

07 Civ 7227 (AKH) (AJP)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS VIGUERA,

Plaintiff,

- against -

BELLEVUE HOSPITAL,

Defendant.

**DEFENDANT'S MEMORANDUM OF
LAW IN OPPOSITION TO PLAINTIFF'S
MOTION TO AMEND AND SUPPLEMENT
COMPLAINT**

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PRELIMINARY STATEMENT

Defendant Bellevue Hospital (“Bellevue”), respectfully submits this brief in opposition to plaintiff’s motion for leave to amend and supplement his complaint. Plaintiff’s motion, coming seven months after the commencement of this Title VII case, should be denied for lack of subject matter jurisdiction.¹

First, plaintiff seeks leave to allege sexual harassment by a co-worker, Ana Blanco. However, plaintiff has never received a right-to-sue letter from the EEOC for a charge of discrimination concerning the alleged conduct of Ana Blanco. Accordingly, the Court has no jurisdiction over these claims, and plaintiff’s motion to amend and supplement must be denied.

Finally, plaintiff’s amended and supplemental complaint is futile because it fails to state a cause of action. First, the acts plaintiff alleges Ms. Blanco committed are neither severe nor pervasive and therefore do not rise to the level of actionable sexual harassment. Second, plaintiff has never filed an internal complaint with defendant complaining of Ms. Blanco’s alleged sexual harassment. Therefore, even if plaintiff could prove a hostile work environment, defendant cannot be held liable for Ms. Blanco’s actions because plaintiff cannot prove that defendant either failed to provide a reasonable method of complaining about the alleged conduct, or that defendant knew of the harassment, but did nothing about it.

¹ Unless otherwise indicated, “Title VII” refers to Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. §§ 2000e, *et seq.*, “EEOC” refers to the United States Equal Employment Opportunity Commission, and “Rule” refer to the Federal Rules of Civil Procedure.

STATEMENT OF FACTS

Plaintiff, an employee of Bellevue, in his initial complaint, claims discrimination and retaliation allegedly occurring from 2003 to present date. On January 30, 2004, plaintiff filed a charge of discrimination with the New York State Division of Human Rights (“SDHR”) alleging “sexual harassment.” A copy of the 2004 SDHR charge is annexed hereto as Appendix “A.” Plaintiff complained that he was being sexually harassed by Edie Coleman and Maria del Pilar Ruiz. On March 31, 2006, the SDHR found no probable cause. A copy of the SDHR decision is annexed hereto as Appendix “B.” Thereafter, on May 23, 2006, the EEOC adopted the SDHR determination. A copy of the EEOC’s decision is annexed hereto as Appendix “C.”

On December 6, 2006, plaintiff filed a second charge of discrimination with the EEOC. A copy of the 2006 charge is annexed hereto as Appendix “D.” In his charge, plaintiff alleges that defendant discriminated against him on the basis of race, sex, national origin and age and retaliated against him². While plaintiff accuses several Bellevue employees of sexual harassment, he does not accuse Ana Blanco of any such transgression. On May 31, 2007, the EEOC issued plaintiff a right-to-sue letter. A copy of the right-to-sue letter is annexed hereto as Appendix “E.”

On August 14, 2007, plaintiff commenced the instant Title VII action by filing a complaint, dated August 14, 2007 (“Complaint”). A copy of the Complaint is annexed hereto as Appendix “F.” Plaintiff, in his 61-page Complaint, pleads at length the allegations of discrimination, retaliation and sexual harassment. However, he does not allege that Ms. Blanco ever sexually harassed him. In fact, plaintiff only mentions of Ms. Blanco’s name in his

² Plaintiff is now withdrawing all claims of discrimination based on race, national origin, and age. See Declaration of Roosevelt Scymour at ¶ “13.”; see plaintiff’s proposed amended and supplemental complaint at ¶ “1.” Thus, the proposed amended and supplemental complaint alleged only discrimination based on gender, sexual harassment, and retaliation.

complaint is as a comparator; he notes that she received an excellent evaluation and was given a supervisory position.

On October 22, 2007, defendant served its answer to the Complaint. A copy of defendant's answer, dated October 22, 2007, is annexed hereto as Appendix "G." On January 18, 2008, an initial pre-trial conference was held.

On January 31, 2008, in compliance with the case scheduling order, parties exchanged initial disclosures. A copy of plaintiff's initial disclosures ("P's Initial Disc.") is annexed hereto as Appendix "H." In plaintiff's initial disclosures, plaintiff provides as evidence of Ms. Blanco's sexual harassment, the following documents: 1) an email from Ms. Blanco to several recipients, including plaintiff, dated July 11, 2007, 2) an email of a photograph purporting to be Ms. Blanco and 3) one other email from Ms. Blanco to plaintiff. See P's Initial Disc., Exhibit "H," at P 006 to P 029.

Plaintiff now moves to amend and supplement his complaint to add Ms. Blanco as a defendant and claims Ms. Blanco sexual harassed him. Plaintiff alleges that, *inter alia*, he was "bombarded" by sexually explicit e-mails, including one with a "provocative" photo of Ms. Blanco posing next to her bed. See Proposed Amended and Supplemental Complaint annexed to Declaration of Roosevelt Seymour as Exhibit "5," at ¶¶ 28-29. These allegations are not included in his initial complaint or EEOC charge of discrimination, or, for that matter, even in the 2004, SDHR charge. Nor is Ms. Blanco listed as a potential defendant or even listed as a wrong-doer in either the 2004 or 2006 charge.

Plaintiff alleges that he has filed an EEOC charge of discrimination for the allegations against Ms. Blanco. However, he does not allege that he has received a right-to-sue letter on these charges. Furthermore, plaintiff does not allege that he has ever filed an internal

complaint with defendant regarding the accusations against Ms. Blanco. In fact, defendant has never received an internal complaint from plaintiff alleging harassment from Ms. Blanco.

ARGUMENT

**PLAINTIFF'S MOTION FOR LEAVE TO
SUPPLEMENT THE COMPLAINT IS
FUTILE.**

A. Standard of Review.

Rule 15(a) instructs that leave to amend complaints should be "freely given." However, leave to amend a complaint cannot be granted if the proposed amendment is futile. See Foman v. Davis, 371 U.S. 178, 182 (1962). An amendment is considered futile if the amended pleading fails to state a claim or would be subject to a motion to dismiss on some other basis. See S.S. Silberblatt, Inc. v. East Harlem Pilot Block, 608 F.2d 28, 42 (2d Cir. 1979); Respass v. New York City Police Dep't, 852 F. Supp. 173 (E.D.N.Y. 1994). The standard for the exercise of discretion on a motion to supplement pleadings under Rule 15(d) is generally the same as that for a motion to amend a complaint under Rule 15(a). See Katzman v. Sessions, 156 F.R.D. 35, 37-38 (E.D.N.Y. 1994). Here, plaintiff's request for leave to file an amended and supplemental complaint to assert new Title VII claims should not be granted because plaintiff failed to meet the prerequisites for filing a Title VII claim in federal court, that is, he has failed to file an administrative charge that encompasses the new claims. Further, plaintiff's proposed amended and supplemental complaint fails to state a cause of action.

B. The Court Lacks Subject Matter Jurisdiction.

A timely filing of a charge of discrimination with the EEOC is a prerequisite for any action under Title VII. 42 U.S.C. § 2000e-5(f)(1); Butts v. New York City Department of Housing Preservation and Development, 990 F.2d 1397, 1402-03 (2d Cir. 1993); Stewart v. INS, 762 F.2d 193, 198 (2d Cir. 1985). This is a matter of subject matter jurisdiction. Id. A plaintiff has 300 days from when a discriminatory act occurs to file a disparate treatment claim with the EEOC. 42 U.S.C. § 2000e-5(e)(1); AMTRAK v. Morgan, 536 U.S. 101, 109, (2002). A Title

VII claimant must also file his complaint not more than 90 days after receipt of a right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC"). See 42 U.S.C. § 2000e-5(f)(1); Cornwell v. Robinson, 23 F.3d 694, 706 (2d Cir. 1994). These latter two prerequisites function as statutes of limitations. Zipes v. Trans World Airlines, 455 U.S. 385, 393 (1982).

The Second Circuit has held that a court has jurisdiction to hear claims not included in the EEOC charge if the claims are based on conduct that occurred subsequent to filing the EEOC charge and is "reasonably related" to what was alleged in the EEOC charge. See Butts, 990 F.2d at 1401-2. A claim is "reasonably related" if it: (1) falls within the scope of the EEOC investigation which can reasonably be expected to grow out of the charge of discrimination; (2) is one alleging retaliation by an employer against an employee for filing an EEOC charge; or (3) it is carried out in precisely the same manner as the claims alleged in the EEOC charge. See id. at 1402. Thus, the Second Circuit has stated that the "central question is whether the complaint filed with the EEOC gave the agency adequate notice to investigate discrimination" under Title VII. See Williams v. N.Y. City Hous. Authority, 458 F.3d 67, 70 (2d Cir. 2006) (internal citations omitted).

In the instant case, plaintiff's 2006 EEOC charge did not give the agency any notice of Ms. Blanco's alleged misdeeds. Nor did the 2004 SDHR charge. The basis of plaintiff's 2006 EEOC charge and his Complaint is, *inter alia*, sexual harassment committed by various current and prior employees of defendant, not including Ms. Blanco. Ms. Blanco was not named as a wrong-doer and was not the subject of the 2006 EEOC charge. Thus, the EEOC would not have investigated the interactions between plaintiff and Ms. Blanco and this would not have been within the scope of the investigation of the 2006 charge. However, in the proposed amended and supplemental complaint, plaintiff asserts new sexual harassment claims against Ms.

Blanco under Title VII and names her as an individual defendant.³ See Proposed Compl. annexed to Declaration of Roosevelt Seymour as Exhibit “5,” at ¶¶ 17-35. Specifically, plaintiff alleges that beginning no later than August 3, 2007, well after the EEOC charge filing, Ms. Blanco sexually harassed him.

Defendant respectfully submits that the alleged sexual harassment by one individual is not “reasonably related” to the alleged sexual harassment by another. Moreover, alleged sexual harassment that began after the EEOC filing cannot be “reasonably related” to the allegations in such filing. Accordingly, plaintiff’s motion must be denied as the Court has no jurisdiction over Ms. Blanco or plaintiff’s additional claims.

C. Plaintiff Fails to State a Cause of Action.

To establish the existence of a hostile work environment, a plaintiff must show that his workplace is permeated with “discriminatory intimidation, ridicule, and insult . . . that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.” Harris v. Forklift Systems, 510 U.S. 17, 21 (1993)(internal quotations and citations omitted). The conduct at issue must be “so severe or pervasive as to create an objectively hostile or abusive environment, and where the victim subjectively perceives the environment to be abusive.” Richardson v. New York State Dep’t of Correctional Services, 180 F.3d 426, 436 (2d Cir. 1999); see also Harris, 510 U.S. at 21. While the Second Circuit “allows a combination of seemingly minor incidents to form the basis of a constitutional retaliation claim once they reach a critical mass,” “[i]ncidents that are relatively minor and infrequent will not meet the standard” for a hostile environment. Phillips v. Bowen, 278 F.3d 103, 109 (2d Cir. 2002).

³ We note that individuals cannot be sued under Title VII. See Tomka v. Seiler, 66 F.3d 1295, 1313 (2d Cir. 1995).

Where, as in this case, a plaintiff alleges harassment by a co-worker, she must not only prove there was a hostile work environment, but a specific basis for imputing the conduct to the employer. See Distasio v. Perkin Elmer Corp., 157 F.3d 55 (2d Cir. 1997); Van Zant v. KLM Royal Dutch Airlines, 80 F.3d 708, 715 (2d Cir. 1996). An employer will only be held liable for its own culpable conduct and not harassment by co-workers. See Faragher v. City of Boca Raton, 524 U.S. 775, 789 (1998). Even if plaintiff proves a hostile work environment, the employer will only be liable if plaintiff also proves that the employer either failed to provide a reasonable method of complaining about the alleged violative conduct, or if the employer knew of the harassment, but did nothing about it. See Distasio, 157 F.3d at 63 (citing Murray v. New York Univ. College of Dentistry, 57 F.3d 243, 249 (2d Cir. 1995)).

Even if plaintiff's allegations made in the amended and supplemental complaint are considered true, they do not rise to the level of a hostile work environment. Plaintiff complains that he was "bombarded" by sexually explicit emails from Ms. Blanco. See Proposed Amended and Supplemental Complaint annexed to the Declaration of Roosevelt Seymour, dated February 14, 2008 ("Seymour Decl.") as Exhibit "5," at ¶ 29. In support of this assertion, plaintiff submits two emails in his initial disclosures. See P's Initial Disc., Appendix "H," at p 006 -013; 016-029. These emails do not rise to a level of severe or pervasive. Further, plaintiff alleges that Ms. Blanco emailed a provocative photograph of herself. See id. at ¶ 28. Plaintiff produced this photograph in his initial disclosures. See P's Initial Disc., Appendix "H," at P014-015 and P 029. This photograph depicts an elegantly dressed woman. No reasonably objective observer would consider the photograph provocative. To consider it provocative would cross the line from prudish to delusional. Harris, 510 U.S. at 21-22 (conduct must be objectively severe or pervasive); Demoret, 451 F.3d at 149. Such events are not "sufficiently severe or pervasive to

alter the conditions of the victim's employment and create an abusive working environment." Accordingly, such events do not create a hostile work environment.

Moreover, plaintiff never even complained to Bellevue about Ms. Blanco. Therefore, even if plaintiff could prove a hostile work environment, defendant cannot be held liable for Ms. Blanco's actions because plaintiff cannot prove that defendant either failed to provide a reasonable method of complaining about the alleged violative conduct, or that defendant knew of the harassment, but did nothing about it. See Distasio, 157 F.3d at 63 (citing Murray v. New York Univ. College of Dentistry, 57 F.3d 243, 249 (2d Cir. 1995)).

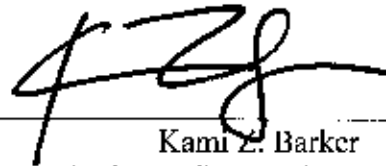
CONCLUSION

For all the foregoing reasons, defendant respectfully requests that this Court deny plaintiff's motion for leave to file a proposed amended and supplemental complaint in its entirety together with such other and further relief the Court deems just and proper.

Dated: New York, New York
March 10, 2008

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EXHIBIT “A”

STATE OF NEW YORK: EXECUTIVE DEPARTMENT
STATE DIVISION OF HUMAN RIGHTS

EXEC. LAW ART. 15
SDHR NO:
98-E-OS-04-7943982-E

(State Division of Human Rights on the Complaint of)	
Carlos M. Viguera	COMPLAINANT
- against -	
N.Y.C. Health and Hospitals Corporation, Bellevue Hospital Center and Maria del Pilar Ruiz (Coordinating Manager) and Edie Coleman (Director) as Aider and Abettors	RESPONDENT

TITLE VII: Federal Charge No: 16GA409174

I, Carlos M. Viguera, residing at 1020 Grand Concourse, Bronx, NY 10460, Tel. No. (718) 293-8976, (718) - charge the above-named respondent whose address is First Ave & 27 th St New York, NY 10016 Tel. No. (212) 562-6227 with an unlawful discriminatory practice relating to Employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of Opposing Discrimination and Sex.

Date most recent or continuing discrimination took place 01/29/04.

The particulars are:

1. I am male, I was sexually harassed and I was discriminated because I Opposed Discrimination.
2. I worke for the Respondent Sr. Health Care Program Planning Analyst from May 1989 to Present. My time and attendance as well as my work performance were satisfactory.
3. On or about January 2003 and thereafter, Respondent's Coordinator Manager Maria del Pilar Ruiz began to sexually harass me. The sexual harassment includes but was not limited to Respondent's Coordinator Ruiz would ask me to go to her home to eat salmon, she ask me to wait for her after works to socialize. She would stand next to me and move her body in a provocative manner. I tried to ignore her for the longest just because she was my boss. *Carlos Ruiz Threatened*
4. On January 15, 2004, I was in the restroom undressed, doing my personal need, and Ms Ruiz, opened the door of the restroom and entered inside to call me for performance evaluation session with

Complaint: Title VII (INT.2) (1 of 2)

/rga
01/30/04

SDHR NO: 9S-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

Edie Coleman, Director of Grants Reporting Unit. I complained to Ms Coleman about Ms Ruiz sexual behaviors to no avail. I do not know how Ms Ruiz managed to open the door from the outside. However, the door could be easily open from the outside with a coin.

5. Since I complained to Ms Coleman about Ms Ruiz sexual behaviors, Ms Ruiz began to question the quality of my daily work production. I never have problems with my work performance in the past. I believe that the sole reason why Mr Ruiz is attacking my work performance is because I objected to her sexual advances.

6. Based on the foregoing, I charge the above named respondent with an unlawful discriminatory practice related to employment by denying me equal terms, conditions and privileges of employment because I Opposed discrimination and Sex in violation of the New York Human Rights Law, Section 296.

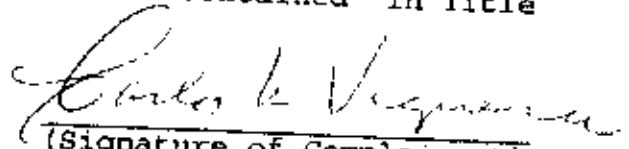
Complaint: Title VII (INT.2) (Supplemental)
/rga
01/30/04

SDHR NO: 9S-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

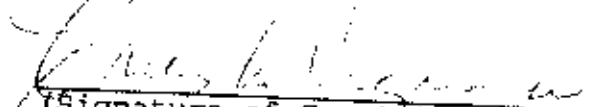
" I have not commenced any other civil or criminal action, nor do I have an action pending before any administrative agency under any other law of this state based upon this same unlawful discriminatory practice."

I also charge the above-named respondent(s) with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment) and hereby authorize SDHR to accept this verified complaint on behalf of EEOC subject to the statutory limitations contained in Title VII.

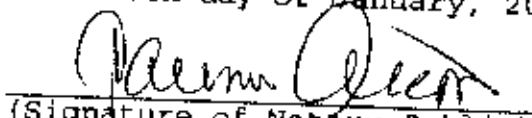

(Signature of Complainant)

STATE OF NEW YORK)
COUNTY OF Kings) S:

Carlos M. Viguera, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him/her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.


(Signature of Complainant)

Subscribed and sworn to before me
this 30th day of January, 2004


(Signature of Notary Public)

2007

EXHIBIT “B”

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

CARLOS M. VIGUERA

Complainant

v.

N.Y.C. HEALTH AND HOSPITALS
CORPORATION, BELLEVUE HOSPITAL CENTER
AND MARIA DEL PILAL RUIZ (COORDINATING
MANAGER) AND EDIE COLEMAN (DIRECTOR)
AS AIDER AND ABETTERS

Respondent

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
7943982

Federal Charge No. 16GA409174

On 1/30/2004, Carlos M. Viguera filed a verified complaint with the State Division of Human Rights charging the above-named respondent with an unlawful discriminatory practice relating to employment because of sex, opposed discrimination/retaliation in violation of the Human Rights Law of the State of New York.

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division of Human Rights has determined that there is **NO PROBABLE CAUSE** to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The Complainant, a male Program Planning Analyst since May 1989, alleges that he was sexually harassed by one female manager during his employment. Complainant alleges that since January 2003, Ms. Maria Del Pilar Ruiz would ask him to go to her home to eat salmon, she asked him to wait for him after work to socialize, would stand next to him and move her body in a provocative manner. On January 2004, he was in the restroom undressed taking care of his personal needs when Ms. Ruiz opened the door of the restroom and entered inside to call him for performance evaluation session with Director Coleman. He complained to Ms. Coleman about Ruiz's sexual behaviors to no avail. Complainant claims after he complained to Ms. Coleman about the sexual harassment, Ms. Ruiz would question the quality of his work, when previously she had no problem. Ms. Ruiz also physically assaulted Complainant by punching his back at work.

Determination: Dismissal No Probable Cause
SDHR Case No. 7941992

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

Respondent denies Complainant claims of sexual harassment and retaliation and avers that its treatment of the Complainant is due to lawful business related issues.

The evidence gathered during the course of the investigation of the instant complaint is not sufficient to support the complainant's allegations that he was sexually harassed and retaliated against for complaining.

The complainant mentions various incidents that he claims are evidence of this alleged sexual harassment by Ms. Ruiz. Even assuming arguendo that the various alleged incidents mentioned above did occur as indicated by the complainant, they do not constitute severe and pervasive behavior and therefore do not rise to the level required by the statute.

The investigation revealed no information to support that other allegations of sexual harassment other than the incident when the alleged harasser went into the bathroom to find complainant. The evidence shows that the bathroom in question is a unisex bathroom used by all employees in the section. The evidence gathered suggests that at the time of the incident, the alleged harasser was looking for the complainant to remind him of a meeting where his performance was being reviewed by Ms. Coleman and Ruiz. The complainant's view that this was done to sexually harass him is not supported by the evidence. Complainant also alleges that on one occasion, Ms. Ruiz entered his office and "moved her body in a provocative manner" as further evidence of this alleged sexual harassment. This occurred within the confines of the complainant's office and there are no witnesses to this alleged conduct. The complainant continues by alleging that Ms. Ruiz invited him to her house to "eat salmon" as further evidence of this sexual harassment. Ms. Ruiz explained that on one occasion when she was having lunch with the complainant, he ordered salmon and she then told him that she did not eat salmon unless she cooked it herself and that one day she would cook it at her home and invite the complainant to try it.

The record shows that prior to the complainant filing the instant complaint alleging sexual harassment he was already having performance problems. The record also shows that prior to the instant complaint and after the acts of sexual harassment are alleged to have occurred; the complainant filed a

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

discrimination complaint charging the same individuals with discriminating against him because of his age, sex, national origin, race and retaliation for filing an internal complaint. In his initial complaint, the complainant did not mention sexual harassment. A reasonable person may be obligated to conclude that it is highly improbable that someone asserting all these named bases would fail to include sexual harassment. Complainant's explanation that he was afraid that no one would believe him because he is a man; the record support that the complainant is very vocal when defending what he believes are wrongs done to him.

The complainant also charges that Ms. Ruiz "punched" him either in his ribs or his back. Again, this occurred in his office where there were no witnesses to the alleged act. The record shows that after this alleged incident, the complainant summoned the police who declined to pursue the charges. The complainant then filed a complaint against the police officer with the Civilian Review Board.

The record also shows that the complainant was previously suspended for performance issues and this suspension was upheld by the trier of facts in a Step II grievance. During the hearing there was testimony to the effect that others had to complete some of the complainant's work. Witness Yesenia Torres admitted that she was given some of complainant's work to finish when the complainant could not. This witness also stated that the complainant had confided to her that he thought that Ms. Ruiz "like him more than as a friend." Although the complainant appears to allege that he did not, the evidence adduced support that prior to Ms Ruiz being promoted, they would socialize by going out to lunch together. The witness also stated that the complainant was not an accountant, but an auditor and when he was transfer too the unit he did not have accounting experience.

The respondent has advanced non-discriminatory, business related reasons for the actions taken against the complainant. Such reason is not found to be a pretext for the respondent to discriminate against the complainant. The Complainant continues to work for the respondent.

The complaint is therefore ordered dismissed and the file is closed.

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilal Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

PLEASE TAKE FURTHER NOTICE that a complainant who seeks state judicial review and who receives an adverse decision therein, may lose his or her right to proceed subsequently in federal court by virtue of Kremer v. Chemical Construction Co., 456 U.S. 461 (1982).

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: 3/31/06
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:

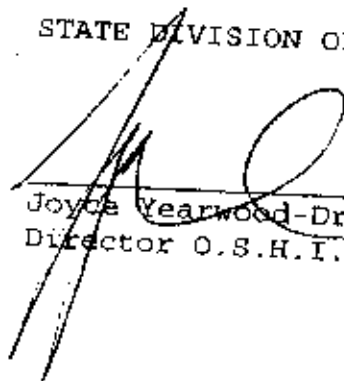

Joyce Yearwood-Drury
Director O.S.H.I.

EXHIBIT “C”

EEOC Form 101 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Carlos M. Viguera**
1020 Grand Concourse
Bronx, NY 10460

From: **New York District Office - 520**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2004-09174

Holly M. Woodyard,
Investigator

(212) 336-3843**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

Enclosures(s)

Spencer H. Lewis, Jr.
Director

5/23/06

(Date Mailed)

cc: **N.Y.C. HEALTH AND HOSPITALS CORP**
125 Worth St
Attn: Shirley Facey
New York, NY 10018

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

CARLOS M. VIGUERA

Complainant

v.

N.Y.C. HEALTH AND HOSPITALS
CORPORATION, BELLEVUE HOSPITAL CENTER
AND MARIA DEL PILAL RUIZ (COORDINATING
MANAGER) AND EDIE COLEMAN (DIRECTOR)
AS AIDER AND ABETTERS

Respondent

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
7943982

Federal Charge No. 16GA409174

On 1/30/2004, Carlos M. Viguera filed a verified complaint with the State Division of Human Rights charging the above-named respondent with an unlawful discriminatory practice relating to employment because of sex, opposed discrimination/retaliation in violation of the Human Rights Law of the State of New York.

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division of Human Rights has determined that there is ~~PROBABLE CAUSE~~ to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The Complainant, a male Program Planning Analyst since May 1989, alleges that he was sexually harassed by one female manager during his employment. Complainant alleges that since January 2003, Ms. Maria Del Pilar Ruiz would ask him to go to her home to eat salmon, she asked him to wait for him after work to socialize, would stand next to him and move her body in a provocative manner. On January 2004, he was in the restroom undressed taking care of his personal needs when Ms. Ruiz opened the door of the restroom and entered inside to call him for performance evaluation session with Director Coleman. He complained to Ms. Coleman about Ruiz's sexual behaviors to no avail. Complainant claims after he complained to Ms. Coleman about the sexual harassment, Ms. Ruiz would question the quality of his work, when previously she had no problem. Ms. Ruiz also physically assaulted Complainant by punching his back at work.

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

Respondent denies Complainant claims of sexual harassment and retaliation and avers that its treatment of the Complainant is due to lawful business related issues.

The evidence gathered during the course of the investigation of the instant complaint is not sufficient to support the complainant's allegations that he was sexually harassed and retaliated against for complaining.

The complainant mentions various incidents that he claims are evidence of this alleged sexual harassment by Ms. Ruiz. Even assuming arguendo that the various alleged incidents mentioned above did occur as indicated by the complainant, they do not constitute severe and pervasive behavior and therefore do not rise to the level required by the statute.

The investigation revealed no information to support that other allegations of sexual harassment other than the incident when the alleged harasser went into the bathroom to find complainant. The evidence shows that the bathroom in question is a unisex bathroom used by all employees in the section. The evidence gathered suggests that at the time of the incident, the alleged harasser was looking for the complainant to remind him of a meeting where his performance was being reviewed by Ms. Coleman and Ruiz. The complainant's view that this was done to sexually harass him is not supported by the evidence. Complainant also alleges that on one occasion, Ms. Ruiz entered his office and "moved her body in a provocative manner" as further evidence of this alleged sexual harassment. This occurred within the confines of the complainant's office and there are no witnesses to this alleged conduct. The complainant continues by alleging that Ms. Ruiz invited him to her house to "eat salmon" as further evidence of this sexual harassment. Ms. Ruiz explained that on one occasion when she was having lunch with the complainant, he ordered salmon and she then told him that she did not eat salmon unless she cooked it herself and that one day she would cook it at her home and invite the complainant to try it.

The record shows that prior to the complainant filing the instant complaint alleging sexual harassment he was already having performance problems. The record also shows that prior to the instant complaint and after the acts of sexual harassment are alleged to have occurred; the complainant filed a

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilal Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Alder And Abettors

discrimination complaint charging the same individuals with discriminating against him because of his age, sex, national origin, race and retaliation for filing an internal complaint. In his initial complaint, the complainant did not mention sexual harassment. A reasonable person may be obligated to conclude that it is highly improbable that someone asserting all these named bases would fail to include sexual harassment. Complainant's explanation that he was afraid that no one would believe him because he is a man; the record support that the complainant is very vocal when defending what he believes are wrongs done to him.

The complainant also charges that Ms. Ruiz "punched" him either in his ribs or his back. Again, this occurred in his office were there were no witnesses to the alleged act. The record shows that after this alleged incident, the complainant summoned the police who declined to pursue the charges. The complainant then filed a complaint against the police officer with the Civilian Review Board.

The record also shows that the complainant was previously suspended for performance issues and this suspension was upheld by the trier of facts in a Step II grievance. During the hearing there was testimony to the effect that others had to complete some of the complainant's work. Witness Yesenia Torres admitted that she was given some of complainant's work to finish when the complainant could not. This witness also stated that the complainant had confided to her that he thought that Ms. Ruiz "like him more than as a friend." Although the complainant appears to allege that he did not, the evidence adduced support that prior to Ms Ruiz being promoted, they would socialize by going out to lunch together. The witness also stated that the complainant was not an accountant, but an auditor and when he was transfer too the unit he did not have accounting experience.

The respondent has advanced non-discriminatory, business related reasons for the actions taken against the complainant. Such reason is not found to be a pretext for the respondent to discriminate against the complainant. The Complainant continues to work for the respondent.

The complaint is therefore ordered dismissed and the file is closed.

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

PLEASE TAKE FURTHER NOTICE that a complainant who seeks state judicial review and who receives an adverse decision therein, may lose his or her right to proceed subsequently in federal court by virtue of Kremer v. Chemical Construction Co., 456 U.S. 461 (1982).

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: 3/31/06
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:

Joyce Yearwood-Drury
Director O.S.H.I.

STATE OF NEW YORK: EXECUTIVE DEPARTMENT
STATE DIVISION OF HUMAN RIGHTS

EXEC. LAW ART. 15
SDHR NO:
95-E-OS-04-7943982-E

(State Division of Human Rights on the Complaint of)	
Carlos M. Viguera	COMPLAINANT
- against -	
N.Y.C. Health and Hospitals Corporation, Bellevue Hospital Center and Maria del Pilar Ruiz (Coordinating Manager) and Edie Coleman (Director) as Aider and Abettors	RESPONDENT

TITLE VII: Federal Charge No: 16GA409174

I, Carlos M. Viguera, residing at 1020 Grand Concourse, Bronx, NY 10460, Tel. No. (718) 293-8976, (718) - charge the above-named respondent whose address is First Ave & 27 th St New York, NY 10016 Tel. No. (212) 562-6227 with an unlawful discriminatory practice relating to Employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of Opposing Discrimination and Sex.

Date most recent or continuing discrimination took place 01/29/04.

The particulars are:

1. I am male, I was sexually harassed and I was discriminated because I Opposed Discrimination.
2. I worke for the Respondent Sr. Health Care Program Planning Analyst from May 1989 to Present. My time and attendance as well as my work performance were satisfactory.
3. On or about January 2003 and thereafter, Respondent's Coordinator Manager Maria del Pilar Ruiz began to sexually harass me. The sexual harassment includes but was not limited to Respondent's Coordinator Ruiz would ask me to go to her home to eat salmon, she ask me to wait for her after works to socialize. She would stand next to me and move her body in a provocative manner. I tried to ignore her for the longest just because she was my boss. *Carlos Ruiz made those an act*
4. On January 15, 2004, I was in the restroom undressed, doing my personal need, and Ms Ruiz, opened the door of the restroom and entered inside to call me for performance evaluation session with

Complaint: Title VII (INT.2) (1 of 2)
/rga
01/30/04

SDHR NO: 98-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

Edie Coleman, Director of Grants Reporting Unit. I complained to Ms Coleman about Ms Ruiz sexual behaviors to no avail. I do not know how Ms Ruiz managed to open the door from the outside. However, the door could be easily open from the outside with a coin.

5. Since I complained to Ms Coleman about Ms Ruiz sexual behaviors, Ms Ruiz began to question the quality of my daily work production. I never have problems with my work performance in the past. I believe that the sole reason why Mr Ruiz is attacking my work performance is because I objected to her sexual advances.

6. Based on the foregoing, I charge the above named respondent with an unlawful discriminatory practice related to employment by denying me equal terms, conditions and privileges of employment because I Opposed discrimination and Sex in violation of the New York Human Rights Law, Section 296.

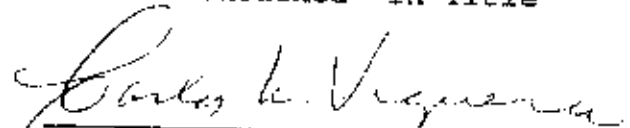
Complaint: Title VII (INT.2) (Supplemental)
/rga
01/30/04

SDHR NO: 9S-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

" I have not commenced any other civil or criminal action, nor do I have an action pending before any administrative agency under any other law of this state based upon this same unlawful discriminatory practice."

I also charge the above-named respondent(s) with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment) and hereby authorize SDHR to accept this verified complaint on behalf of EEOC subject to the statutory limitations contained in Title VII.

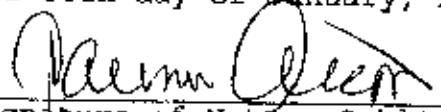

(Signature of Complainant)

STATE OF NEW YORK) \$:
COUNTY OF Kings)

Carlos M. Viguera, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him/her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.


(Signature of Complainant)

Subscribed and sworn to before me
this 30th day of January, 2004


(Signature of Notary Public)

2007

EXHIBIT “D”

This form is affected by the Privacy Act of 1974: See Privacy Act Statement before completing this form.

AGENCY
☐ FEPA
☐ EEOC

CHARGE NUMBER

520-2007-0024

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

CARLOS M. VIGUERA

HOME TELEPHONE (Include Area Code)

917-327-0541

STREET ADDRESS

CITY, STATE AND ZIP CODE

1020 GRAND CONCOURSE, APT 4R, BRONX, NY, 10451

DATE OF BIRTH

1-31-50

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Belleuve Hosp. Center

NUMBER OF EMPLOYEES, MEMBERS

4,500

TELEPHONE (Include Area Code)

212-562-4729

STREET ADDRESS

CITY, STATE AND ZIP CODE

562-1st Ave NY, NY 10016

COUNTY

NY

NAME

Sybil NURSE-Reeves

TELEPHONE NUMBER (Include Area Code)

4562-2460

STREET ADDRESS

CITY, STATE AND ZIP CODE

562-1st Ave NY 10016

COUNTY

NY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST

LATEST

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Current
Retaliation because I File Complaint
with NYS EEOC. I previous
History of Discrimination

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date 12/6/06

Charging Party (Signature)

MINNA R. YELLEN
Notary Public for the State of New York
No. 01YES015305
Qualified in Kings County
Commission Expires 7/10/2009

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

6 12 06

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office

33 Whitehall Street, 5th floor

New York, NY 10004

PHONE - (212) 336-3620

FAX - (212) 336-3625

INTAKE QUESTIONNAIRE

[Please type or print legibly]

Date: 12-6-06Your name: Mr. ☒ Ms. ☐CARLOS M. VIGUERADate Of Birth: 1/31/50Address: 1020 GRAND CONVENT City: BRONX APT. 4RCounty: BRONX State: NY Zip Code: 10451Home phone: ~~917~~ 917-327-0541 Best time to call: ANYTIMEWork phone: (212) 562-2253 Best time to call: 8-4 PMEmail: CARLOS.VIGUERA@JUNO.COM

Employer or organization that you charge with discrimination:

Name: BELLEVUE HOSPITAL CENTERAddress: 562 1ST. AVE. City: NEW YORK State: NYZip Code: 10016 Phone (with area code): 212-562-~~4729~~ 4729What type of business does the employer engage in? HEALTH CARE SERVICENumber of employees: () 1-14 () 15-100 () 101-500 (☒) over 500 () unknownJob title: SR. Health Care Program Planner ANALYST Date hired: MAY 1989Salary/Wage: \$ 75,000.00Name of immediate supervisor: Sybil NURSE-KEEVES J. DENE QUITTINGSupervisor's Title: Deputy Director Social Work DepartmentUnit, department or division: Social Work Dept + Cultural CompetencyNumber of employees in department or division: 3Number of employees with the same job title: NONE

How have you been harmed?

- | | | |
|--|---|---|
| <input type="checkbox"/> Not hired | <input type="checkbox"/> Discharge | <input checked="" type="checkbox"/> Demotion |
| <input type="checkbox"/> Promotion | <input type="checkbox"/> Layoff | <input type="checkbox"/> Other terms of employment |
| <input checked="" type="checkbox"/> Transfer | <input type="checkbox"/> Retirement | <input type="checkbox"/> Accommodation (religion or disability) |
| <input type="checkbox"/> Leave | <input type="checkbox"/> Benefits | <input type="checkbox"/> Other |
| <input type="checkbox"/> Pay | <input checked="" type="checkbox"/> Harassment | |
| <input type="checkbox"/> Discipline | <input checked="" type="checkbox"/> Sexual harassment | |

Date of Harm: up until 12/5/06

I believe that I was discriminated against on account of:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Race: _____ | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Color: _____ | <input type="checkbox"/> Religion: _____ |
| <input checked="" type="checkbox"/> National Origin: _____ | <input type="checkbox"/> Disability |
| <input checked="" type="checkbox"/> Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female | <input checked="" type="checkbox"/> Retaliation for having complained about discrimination. |
| <input checked="" type="checkbox"/> Age (40 years or over) | |

If you believe you were discriminated against because of a disability, state:

Brief description of disability: _____

How long the disability will last: _____

How the disability limits you in essential daily activities (such as breathing, concentrating, sleeping, seeing, walking, lifting, and so on):

TOGETHER WITH THE CURRENT RETALIATION
AS A MEMBER OF BELLEVUE HOSPITAL CENTER
(BHC) I FILED A COMPLAINT EEOC CHARGE #
169-2004-09174 WITH THE STATE OF NEW YORK
EEOC (WHICH I FEEL THAT NEW YORK STATE
EEOC MISSED HANDLING). SINCE I FILED THE
COMPLAINT AGAINST BELLEVUE FOR GENDER,
SEXUAL HARASSMENT, ASSAULT BY MY
SUPERVISOR, AGE & ETHNIC DISCRIMINATION,
BELLEVUE HAS BEEN TRANSFERING ME FROM
ONE DEPARTMENT TO ANOTHER. IN EVERY
DEPARTMENT I HAVE BEEN HARASSED.
IT STARTED WITH EDIE COLEMAN & MS. MARIA
RUIZ IN THE GRANT REPORTING DEPARTMENT,
AND IS NOW TAKING PLACE WITH
MS. IRENE QUINONES, SYBIL NURSE-REEVES
AND MS. IRENE TORRES.

MS. IRENE QUINONES VERBALLY DEGRADED ME &
PSYCHOLOGICALLY ABUSED ME BY TAKING ALL MY RESPECT AWAY
BECAUSE I ASKED HER NOT TO ABUSE ME. ^{the}
~~THE~~ ~~SHE~~ MS. I. QUINONES SAID TO ME THAT I
WAS ASKING HER NOT TO MISTREAT.
WHEN I ASKED MS. QUINONES NOT TO MISTREAT
ME, SHE SAID THAT I WAS ASKING HER THAT
BECAUSE SHE WAS A WOMAN & I WAS A MAN.
AND SHE STARTED TO HAVE HER HAND & POINT
AT ME WITH HER FINGER IN A VERY THREATENING
MANNER. THEN, BECAUSE ~~SHE~~ I DID NOT
WANT TO COME OUT OF THE LABOR UNION,
SHE TOOK MY SUPERVISOR RESPONSIBILITIES AWAY
& MADE ME A CLIENT NAVIGATOR. NAVIGATOR
STAND IN FRONT OF A HOSPITAL MAIN ENTRANCE
& ALL DAY LONG GIVE DIRECTIONS & PUSH
WHEEL CHAIRS. CLIENT NAVIGATOR IS NOT
MY TITLE. MY TITLE IS ST. HENRI THE CARE PROGRAM
PLANNING ANALYST, WHICH IS A MUCH HIGHER CIVIL
POSITION TITLE & CONTINUED IN THE HOSPITAL

Given me a job evaluation that needs improvement in every category indicator negative. In the evaluation discriminated me because of my SPANISH DOMINICAN REPUBLIC ACCENT. IN THE EVALUATION ~~the~~ MS. QUINONES CRITICIZED my verbal ACCENT in writing. MS. QUINONES is from Puerto Rico, MS. Irene Torres her boss is from Puerto Rico & MS. Sybil NURSE-Reeves is AFRICAN AMERICAN. ~~I~~ I was assisting MS. QUINONES. I WAS a SACK OF ALL TRAY in the department. I was Solding, AHS. ANA BLANCO & MS. JIN MA the other two members of the department and both MS. BLANCO & MS. MA obtained a perfect EVALUATION. I HAVE a MASTER degree (MBA, from NYU) & I HAVE 28 YEARS OF FINANCIAL ANALYSES & ADMINISTRATION EXPERIENCE IN THE PRIVATE & PUBLIC SECTOR.

Presently, MS. Sybil NURSE-Reeves HAS TAKEN the Leadership in the HARASSMENT & DISCRIMINATION. Every DAY AT 3:30 PM Before I Leave, MS. Reeves DEMORALIZE me by needlessly CRITICIZING my work & PICKING on insignificant details. I AM NOT a social worker, but because MS. Torres made 40 social workers Resigned, MS. Reeves HAS me doing a 30 days Re-admission Survey. I HAVE to go to all the Room & see ALL the sick patient & fill out a form. This is not difficult, but MS. Reeves PUT PRESSURE on me on numbers & that is how MANY of survey did you collect. MS. Reeves belittle me & ~~spoke to me in yell~~ AT ME & CHANGES the objective specification & forms of the survey every time I turn around it on me. Whenever MS. Reeves see me in the Hospital, she come to me in front of people & belittle me.

Identify any witnesses who will provide evidence to support your allegations:

Name: Ms. Ana Blanco

Name: MS. Yessenia Torres - Grant Agency Dept

Home phone: (477) 623-2499

Home phone: (718) 545-1281

Work phone: (212) 362-2404

Work phone: () _____

Address: _____

Address: _____

* MS. SATIRA SIMMONS is another witness

Nature of the evidence they will provide:

They will provide eye witnesses of mistreatment of verbal aggression, harassment, demotion of duties, difference in treatment between gender, physical assault by supervisor, provocation & written statement & eye witnesses of sexual harassment in the Restroom

Have you sought assistance from any other State, local, or Federal government agency, union, attorney or other source? ☒ yes ☐ no

Name of source of assistance: NYCITY & New York State EEOC

Results, if any: NO AVAIL. After 2 years & a grant year of investigation, the NY State Sexual Harassment & Discrimination Commission investigator that was charged to investigate that was supportive of Mr. Cynthia Hernandez

Have you filed an EEOC charge in the past? No ☐ Yes ☒ supportive of Mr. Cynthia Hernandez

If yes, provide: Date filed 2003rd 4 Charge number 166-2004-09174 was switched for Mr. Rodriguez

Organization charged Belleuve Hospital Center The NY State EEOC with a bunch of good evidence

How did you hear about the EEOC?

[e.g., newspaper article, attended EEOC seminar, radio/TV (when, what station), friend/relative, lawyer, union, government agency]: From

MS. TANTA TAYLOR & MS. Yessenia Torres who are also file a complaint in your Agency, also against Ms. Edie Colonna & Belleuve

-5-

I did not push
I wanted BAC
to stop harassment
in lawsuit with FED
because I did not have money

Provide the name of an individual at a different address whom we can contact if we are unable to reach you:

Name: CARMEN VIGUERA

Address: 8600 Shorefront Parkway, FAR Rockaway
APT 7M
QUEENS, N.Y.

Relationship: SISTER

Phone: (718) 945-1376

Filling out this form does not constitute filing a charge

Attach copies of any documents you believe would support your discrimination claim

IMPORTANT NOTE:

(This form is covered by the Privacy Act of 1974, Public Law 93-576. Authority for requesting the personal data and the uses thereof are given below.)

FORM NUMBER/TITLE/DATE: EEOC FORM 233, INTAKE QUESTIONNAIRE.

AUTHORITY: 42 U.S.C. 2000e-8(d), 29 U.S.C. Section 625.

PRINCIPAL PURPOSE: The purpose of this questionnaire is to solicit information to enable the Commission to avoid the intake of matters not within its jurisdiction.

ROUTINE PURPOSES: Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over potential charges, complaints or allegations of employment discrimination and to provide such pre-charge filing counseling as is appropriate. Information provided on this form may be disclosed to other state, local and federal agencies as may be appropriate or necessary to carry out the Commission's functions. This would include employment practices laws. Information may also be disclosed to Charging Parties in consideration of or connection with litigation.

WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION: The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

Keep a copy of your completed questionnaire and other documents that you send

I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 12/6/06

Signature: Carmen M. Viguera

Print name: CARMEN M. VIGUERA

EXHIBIT “E”

EEOC Form 181 (3-98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Carlos Viguera
1020 Grand Concourse
Bronx, NY 10451

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2007-01024

William Lai,
Supervisory Investigator

(212) 336-3676

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

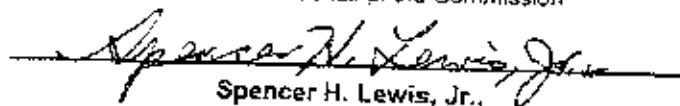
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)


Spencer H. Lewis, Jr.,
Director

5/31/07
(Date Mailed)

cc: BELLEVUE HOSPITAL CENTER
Ms. Shirley Facey, EEO Coordinator
582 1st Avenue
New York, NY 10016

EXHIBIT “F”

(Rev. 2/5/98) Summons in a Civil Action

United States District Court

Southern

DISTRICT OF

New York

Charles M. VIGORERA

SUMMONS IN A CIVIL CASE

CASE NUMBER:

2007-027448

v.

BELLEVUE HOSPITAL CENTER

07 CIV 7227

TO: (Name and address of defendant)

Judge Hellerstein

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Pro Se
CARLOS M. VIGORERA
1020 GRAND CONDUIT AVE. 4R
BRONX, NY 10451

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

2007 AUG 14 PM 1:53

AUG 14 2007

MICHAEL McMAHON

CLERK

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Judge Hellerstein

CARLOS M. VIGUERA

"
JURY TRIAL
DEMANDED"

NAME OF PLAINTIFF(S)

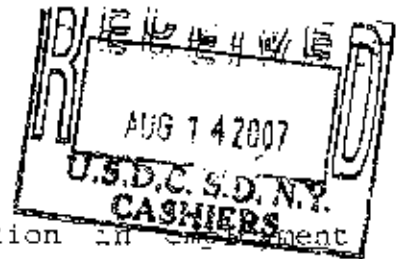
v.

COMPLAINT

Belleuve Hospital Center

07 CIV 7227

NAME OF DEFENDANT(S)



This action is brought for discrimination in employment pursuant to (check only those that apply):

✓
✓

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 99-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

2007 AUG 27 14:05

Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

1020 GRAND CONCOURSE 4R, BRONX
 Street Address City
BRONX NEW YORK 10451 917-327-0541 62712-393-897
 County State Zip Code Telephone Number

2. Defendant(s) lives at, or its business is located at:

FIRST AVENUE + ^{EAST} 27th STREET NEW YORK
 Street Address City
MANHATTAN N.Y. 10016 212-562-6881
 County State Zip Code Telephone Number

3. The address at which I sought employment or was employed by the defendant(s) is:

FIRST AVENUE + 27th STREET
 Street Address
MANHATTAN NEW YORK NEW YORK 10016
 County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation
- ☒ Other acts (specify): HARASSMENT, DISCRIMINATION ^{denial}

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on: SINCE 2003 to Present
Date

6. I believe that defendant(s) (check one)

- ☒ is still committing these acts against me.
- ☐ is ~~not~~ still committing these acts against me.

7. Defendant(s) discriminated against me based on my:

(check only those that apply and explain)

- ☒ race Dominican/Hispanic ; color _____
- ☒ gender/sex male [] religion _____
- ☒ national origin Dominican Republic
- ☒ age 57 . My date of birth is: _____
Date
- [] disability _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

- 1) HISTORY OF DISCRIMINATION, SEXUAL HARASSMENT & PHYSICAL ABUSE BY MY PRIOR SUPERVISOR
- 2) CURRENT RETALIATION & DISCRIMINATION & HARASSMENT BECAUSE OF MY COMPLAINTS TO EEOC.
- 3) I was demoted & my female subordinate was given my position.
- 4) I have a master degree & 17 YEARS ^{NYC-HRC} IN BELLEVUE. SHE HAS A HIGH SCHOOL DIPLOMA & 2 YEARS IN BELLEVUE.
- 5) I am a former nurse at an Administrative, Howard I am performing demanding duties to push a wheel chair & take survey
- 6) I was given an incredible evaluation & discrimination to my statement
(Attach additional sheets as necessary)
are made. (Please See attached Backups documents)
Continuation of Facts

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: MAY 6, 2003
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 12/6/06
Date

Carlos M. Viguera

August 14, 2007

United States District Court
Southern District of New York

The following are some of the facts that support my complaints against Bellevue :

* A history of discrimination, sexual harassment and physical assault by previous supervisors, Ms. Edie Coleman and Maria Ruiz, in the Grant Reporting Department.

After filing my complaints with New York City and New York State EEOC and Sexual Harassments Office , I have been targeted for retaliation, discrimination and harassments by Bellevue Hospital.

The following are the current retaliation, discrimination and harassment:

* After functioning as a Financial Manager , an auditor and an Administrator, I was demoted to a Client Navigator for no reason, and my female subordinate (Ms. Ana Blanco) with a high school diplomat and no management experience was given my supervisory position. I have a master degree (MPA) and 17 years in NYC- Health and Hospitals Corporation. Ms. Ana Blanco my previous subordinate only had a year working for Bellevue at the time. Bellevue broke the civil servant law by placing me in a functional title lower than my Sr. Health Care Program Planner Analyst title.

My current demeaning duties are to sit down behind a podium and provide directions to patients and visitors about their destinations within the hospital. I also have to visit all the 30 days re-admitted-inpatients, including prisoners and psychiatric patients, to conduct a survey. While conducting the surveys in the patients' rooms, I am expose to all kind of diseases, which I could contract, and take home to my seven years old and twelve years old children. I do not have the proper vaccines or skills to interact with these very ill patients. These functions are usually done by a social worker and a volunteer. Ms. Irene Torres, Sr. Associate Executive Director, can not find anything wrong with my professional work performance, but chooses to embarrass me by asking me to clean my office in front of everyone in the meetings.

* In 2006, after 1) successfully supervising a team of seven navigators to establish a smooth patient flow in the opening of the new Ambulatory Care Building 2) Structuring and performing the entire range of financial functions of the Cultural Competency Department and 3) supervising a group of twelve Interpreters, I was rewarded with a lackluster, fraudulent, discriminatory performance evaluation for no reason. Many Discriminatory statements were written about me and my Spanish accent in this performance evaluation. I am the mentor and guide to the younger and less experienced female workers (Ms. Ana Blanco and Ms. Jin Ma) and they received outstanding rating in their evaluation.

2007 AUG 27 PM 1:59

*** Bellevue Hospital Center as an institution is targeting me for harassment:**

I am continuously transferred from one department to another against my will.
I applied for different jobs within the Bellevue Hospital and my applications and cover memos are not responded to.

Unlike any other employees in my department, I have to report to three persons. On a daily basis I report to the Social Worker Director, Ms. Inez Suarez. Every day at 1 PM Ms. Suarez reviews the quality and quantity of my work, i.e. how many surveys have I produced. For the patient navigating function, I report to Ms. Ana Blanco, my former subordinate, and whenever, Ms. Irene Torres wants to intervene with me, she gives me additional assignments, and ask me to clean my office. (please look at the attached Social Work Dept. Organizational Chart)

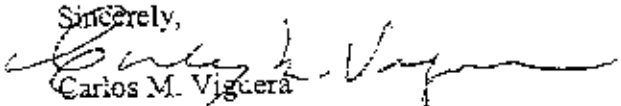
My rebuttal to the fraudulent performance evaluation was never responded to by BHC Human Resources Dept. My complaint about the fraudulent job evaluation to the Health and Hospitals Corporation Inspector General was never replied to.

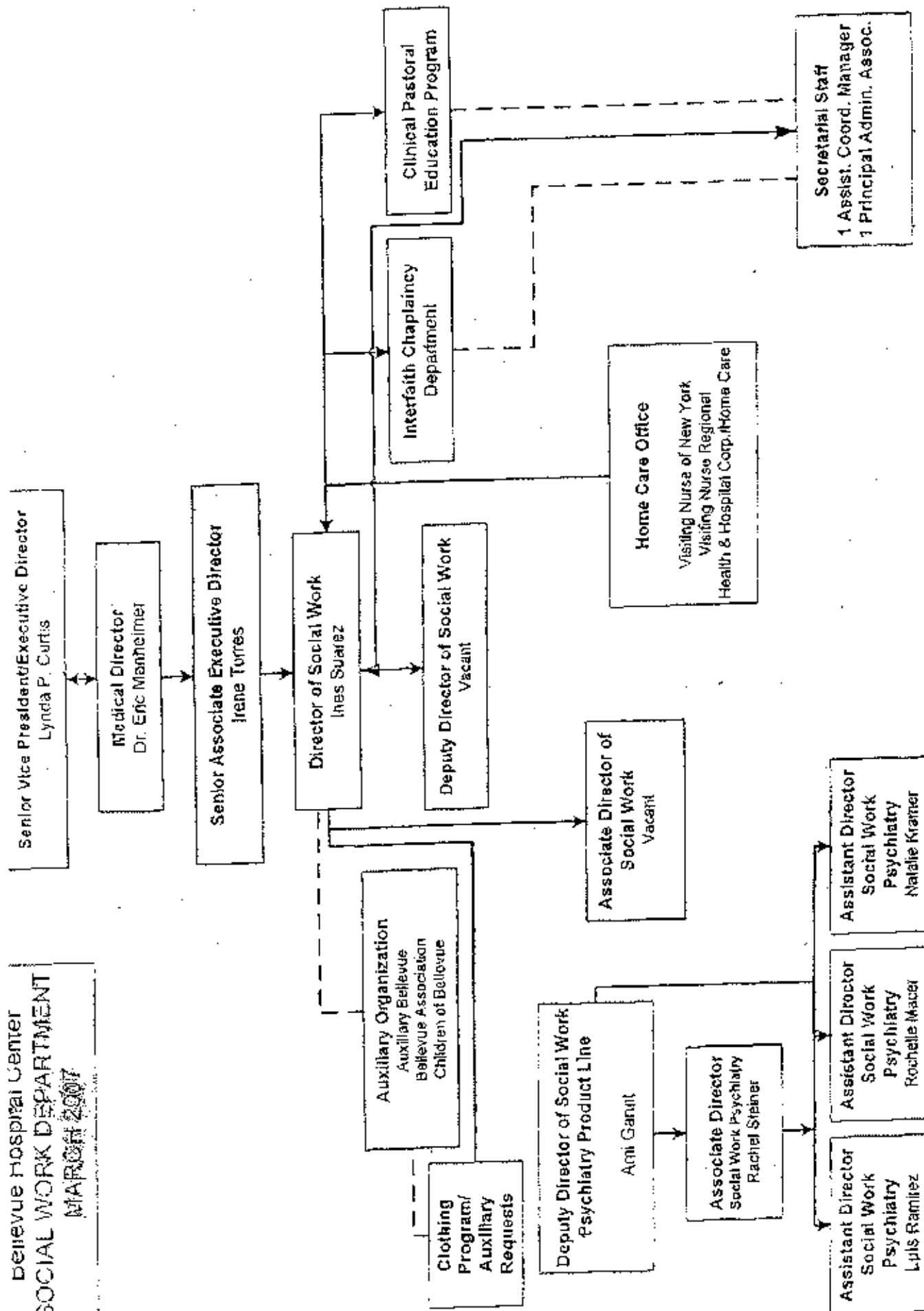
Please see attached listing of supporting documents in relation to the previous Case Charge No. 520-2007-01024 addressed to Mr. William Lai:

I feel that my position is being compromised and this long lasting situation is taken a toll on my health and my young children and wife livelihood

I appreciate your assistance in this case

Sincerely,


Carlos M. Viguera



EEOC Form 161 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Carlos Viguera
1020 Grand Concourse
Bronx, NY 10451

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2007-01024

William Lai,
Supervisory Investigator

(212) 336-3676

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

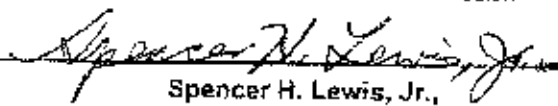
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)


Spencer H. Lewis, Jr.,
Director

5/31/07
(Date Mailed)

cc: BELLEVUE HOSPITAL CENTER
Ms. Shirley Facey, EEO Coordinator
562 1st Avenue
New York, NY 10016

April 16 , 2007

Carlos M. Viguera
1020 Grand Concourse Apt. 4R
Bronx, NY, 10451
Cell 917-327-0541
Home 718-293-8976
212-562-2253

U.S. Equal Employment Opportunity Commission
New York District Office -520
33 Whitehall Street, 5th Floor
New York, NY, 10004-2112
Mr. William Lai, Supervisor Investigator

Re: **Case Charge No. 520-2007-01024 Detailed
description and Evidence Documents**

Dear Mr. Lai:

In Accordance to our conversation on April 11, 2007, you asked me to submit evidence documents to assist you in determining whether this case will proceed to be investigated or not.

First of all, I want to make clear that since I filed the original EEOC case 16G-2004-09174 for discrimination, sexual harassment and physical assault against NYC-HHC-Bellevue Hospital Center, I had been targeted for retaliation, harassment and discrimination. These retaliation abuses continue to the present.

I also want to make clear that there was no justice done on my behalf on the original EEOC case # 16G-2004-09174. After this case was basically on my favor because of the discrimination,

explanation. (Please see documents/exhibits # 4, 5 and 6 indicating my removal from the Grant Reporting Department where I functioned as a Financial/Grant Analyst, placement in the Business Development Department. And removal from the the Business Development Department to the Cultural Competency Dept. as soon as Mr. Carlos Perez, Executive Director, resigned.)

B. In the Cultural Competency and Interpreter Services Department I worked from June 2005 to the present time. In this department, I was assigned to supervise the patient navigators, and the Interpreters; perform the entire financial functions; conduct the language barrier survey and assist the Director, Ms. Irene Quinones in all her troubleshooting requests. Although I was doing a great job, Ms. Quinones and top management were always retaliating, harassing and discriminating me. I am a professional with 30 year of financial and administration working experience in the private and public sector. I also have an MPA degree from NYU. There is no reason why I should be discriminated and abused. (Please see exhibits 7 thru 16, depicting my resume, degree, letters of recommendation, and various positive feedback emails I received while functioning as assistant director of the Cultural Competency Department.)

In this department Ms. Quinones will yell at me, Scold me and put me down in front of my colleagues and subordinates. She continuously called me in her office to verbally abuse me. Most of the time she was very upset at me without any reason. I asked her to stop harassing and discriminating me. I noticed that she did not treat the female employees that way. She informed me that I asked her to stop harassing me because she was a woman and I was Man. She proceeded to show me how tough she was by shaking her head and pointing her finger at me in the privacy of her office. During this, I was getting sick to my stomach and losing weight. Then, I

Social Work Department continue to harass me. The harassment function was passed to Ms. Nurse-Reeves. Every after noon at 3:30, Ms. Sybil Reeves will meet with me to harass me. She was very rude and unprofessional with me. She pointed at my face with a pen and talked down to me. Management was not sure of the survey's objectives that I was performing, and kept changing the requirements. Ms. Reeves looked for every possible and insignificant details to degrade my work. She also stalked me and harassed me wherever she saw me in the hospital premises. Ms. Nurse - Reeves resigned on March 8th, 2007. It is unclear who I am reporting to now.

D. Because I filed a discrimination and harassment case against Bellevue, Bellevue is discriminates me and is targeting me. Approximately, nine months ago, I submitted a rebuttal to the performance evaluation, and I haven't received any responses. Eight months ago, I submitted a complaint to NYC-Health and Hospital Corporation (HHC) Office of the Inspector General complaining for the generation of a fraudulent document (my Performance Evaluation). I haven't received any response or acknowledgement that they received my documents. In my struggle to get out of this stressful situation, I sent out resume to apply for jobs in other departments or different HHC facilities, but I do not receive any interviews although sometimes the openings has my title. (Please see exhibits # 29, 30 and 31. They depict cover letters I sent out to compete for open positions within Bellevue and others HHC facilities. I never received a response or an interview.)

I thank you for your time.

Sincerely,

Carlos M. Viguera

April 14, 2005

Setira E. Simmons
212.562.7075

Setira E. Simmons
Exhibit #1

To Whom It May Concern:

This letter is in reference to and support of Carlos Viguera. At the time of his incident, I was working across the corridor and directly across from Maria del Pilar Ruiz, Mr. Viguera's supervisor. Let me be clear in making this statement. Maria did not knock on the Unisex bathroom door. I was on my way to the Xerox room and in the hallway at the time. I saw Maria working the lock, I am not sure what she had in her hand or what was on her mind, but once someone is in the bathroom and lock the door behind them, no one can open it with the key. I went on to Xerox and on my way back to my office, I saw Maria coming out of the bathroom and Carlos was behind her.

Please see my letter dated February 17, 2004 attached. If you have any questions, you may call me at the above number.

Sincerely,

Setira E. Simmons
Setira E. Simmons

February 17, 2004

Setira E. Simmons
71 Columbia Street, #3J
New York, NY 10002

Exhibit #2

To Whom It May Concern:

This letter is in reference to and support for Mr. Carlos Viguera. I work across the corridor of Edie Coleman and directly across from Maria del Pilar Ruiz, Mr. Viguera's supervisors. On almost a daily basis, I have witnessed the verbal abuse from Maria toward Carlos. She has yelled and humiliated him in the hallway instead of stepping into an office and talk with him privately. It is as though she has venom and hatred toward him and puts situations on a personal level and not a professional one.

On many occasions, Edie and Maria has called Carlos into their offices and yelled at him so loud the entire fifth floor could hear them, even with the door closed. Please note that most times, Ms. Pilar-Ruiz acts under the direction of her supervisor, Ms. Coleman. As senior supervisor, Ms. Coleman, should deal with Mr. Viguera on a one on one basis. Instead, they choose to gang up on him together, with each one taking turns chastising him.

On January 15, 2004, I walked out of my office and saw Maria coming out of the bathroom. One second later, I saw Carlos come out of the bathroom. I said to myself "Oh my God what the heck is Maria doing in the bathroom with Carlos?" Maria actually walked into the bathroom while Carlos was in there. Fortunately, we do not live in a primitive era and what one does in the bathroom is PRIVATE. I am certain that what Ms. Pilar Ruiz had to say to Mr. Viguera could have and should have waited. Absolutely nothing warranted Maria to infringe on Carlos' privacy and follow him into the bathroom.

Lastly, Mr. Viguera happens to be the only male employee in the Grants Reporting Department and in no way should endure the cruelty displayed by these two female supervisors. Male or female, no one in the work force should suffer this constant kind of treatment.

Sincerely,

Setira E. Simmons
Setira E. Simmons
Bellevue Hospital Research Department

known to me
2/17/04
Edie M. Dinkelt

SARAH J. DINKETT
Bellevue Hospital Research Department
New York, NY 10002
212-552-6137
3-2006
SARAH J. DINKETT
Bellevue Hospital Research Department
New York, NY 10002
3-2006

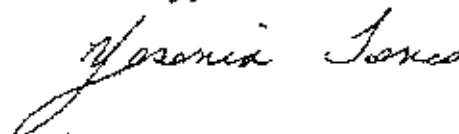
Exhibit # 3

March 31, 2004

To Whom It May Concern,

This statement is regarding the incident that took place on March 11, 2004 in the Grants Reporting/GL Department. On the afternoon of Thursday, March 11, 2004 I was in my cubicle working at my desk. Ms. Ruiz had walked over to Mr. Viguera's cubicle to return his report to him and ask him to not remove the staples from the report. Then I heard Mr. Viguera repeating to Ms. Ruiz "Don't wave that report in my face". He asked Ms. Ruiz to not talk to him in that way since he did not talk to anyone in the department in that way. She stated to him to sit down. She was upset with him and she said to him "You are not a man!" Then she went on to say "I have nothing to lose, you do!" Later she stepped out to the ladies room. Upon her return I heard Mr. Viguera exclaim, "You hit me, I'm calling the police". Ms. Ruiz mentioned that that claim was ridiculous since the space to walk pass to her cubicle is so narrow that some contact was unavoidable. In the next moment, Mr. Viguera was on his cell phone calling 911.

Sincerely,



Yesenia Torres
Associate Accountant

Exhibit #4

Carlos M. Viguera, MPA
Sr. MCPPA, Outreach
Office of Business Development

Bellevue Hospital Center
South Manhattan Healthcare Network

First Ave. & 27th St. New York City, NY 10016
tel 212.562.2253 fax 212.562.4622
carlos.viguera@bellevue.nychhc.org

New York City Health and Hospitals Corporation

*After Mr. Carlos Perez, Resigned
I was Removed from the above position*

From: Terry Miles
To: Viguera, Carlos
Date: 6/21/2005 9:43:36 AM
Subject: Fwd: Re: Carlos Viguera

*Re-Assignment
TO TEMPS. NAVIGATOR
Exhibit #5*

Carlos, I meant to cc you on this.

>>> Terry Miles 06/21/05 9:41 AM >>>
I don't think we need to meet.

1. This is a PILOT. NO definites are in place until we assess the outcome of how things work.
2. However, this is a very important pilot that will set the stage for a new Navigator program at Bellevue.
3. The pilot will help determine how the new Navigator program will work, how many staff are needed, what days/hours they will be in place, etc.
4. We DO NOT know at this point who the supervisor will be or generally how the administrative aspects will work or where they will report (Amb Care?, Info Desk? etc.)
5. For now, Carlos will report to Irene and she will oversee his timesheets, days off, etc.
6. There will NOT be any transfer of staff lines at this point.
7. Carlos will maintain his current office.
8. He is expected to be the "Face of Bellevue" and for the most part be out and about. But will be helping to coordinate the current Navigator program and will need office time. In addition he will be assessing how long a Greater should and could be on his/her feet.
9. Right now it is awkward to assess since we have 3 entrances—the Rotunda, the 1st Ave new building entrance and the south side new building entrance. Once we have only one entrance (on or about July 5th), this will all get easier.
10. Carlos should use the desk at the 1st Ave new building entrance for now for rest times, etc.
11. Carlos, we are very grateful to you helping us to assess a new Bellevue program. You have gotten very positive feedback from patients and staff about your friendliness and willingness to be so involved in the Navigator program.
12. I hope this answers all concerns. Thanks to all.

>>> Irene Quinones 06/21/05 9:23 AM >>>

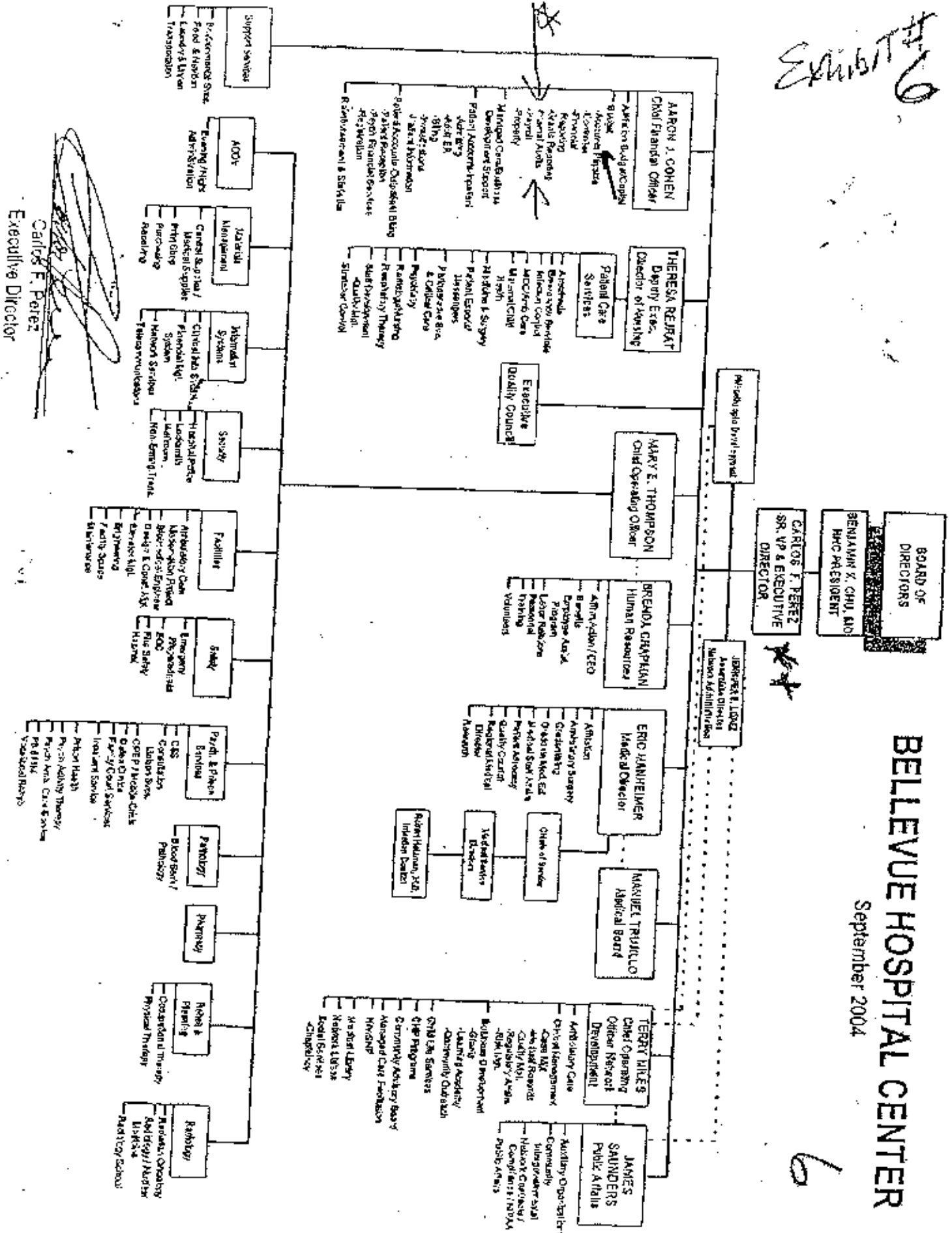
Hallo,

I am a little confused about Carlos' role and assignment in relation to the navigators' program and the future post navigators. I don't want to give him misleading information. However, I need some more clarification before I discuss further his job assignment, future, etc. Let's meet to discuss. Thanks. Irene

CC: Bateman, William; Davis, Edith; Quinones, Irene

Exhibit # 6

September 2004



Carlos Viguera - RE: Open Balance

From: "Benjamin, Beverly" <bbenjamin@fegs.org>
To: "Carlos Viguera" <Carlos.Viguera@bellevue.nyclhc.org>
Date: 8/23/2006 12:36 PM
Subject: RE: Open Balance
CC: "Spruill, Tracey" <tspruill@fegs.org>

Exhibit # 7

Carlos,

Sorry I didn't get back to you sooner. I was on vacation and have been playing catch up.

I'm sorry you aren't handling my account any more. You were able to get the payments through quickly. I work with several hospitals and agency and I must admit you are one of the most professional people I have dealt with.

I hope your new assignment is fulfilling.

Thank you, and take care

Beverly

-----Original Message-----

From: Carlos Viguera [mailto:Carlos.Viguera@bellevue.nyclhc.org]
Sent: Friday, August 11, 2006 4:07 PM
To: Benjamin, Beverly
Subject: Re: Open Balance

Hi, Beverly Please give a call on 917-327-0541

Carlos

>>> "Benjamin, Beverly" <bbenjamin@fegs.org> 5/4/2006 11:55 AM >>>

<<Bellevue - 5.4.06.xls>>

Beverly

Exhibit # 8

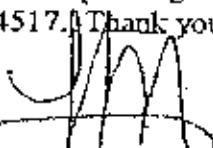
August 11, 2006

Dear Sir or Madam:

In the summer of 2005, I had the opportunity to work under the supervision of Mr. Carlos Viguera as a Client Navigator at Bellevue Hospital Center. The monumental task of directing and escorting all sort of visitors to their destination would not have been accomplished without the unsurpassed and professional leadership of Mr. Viguera.

Carlos, as we all called him was professional and pleasant at all times. His tact and ability to deal with people and problems are remarkable. He is a natural leader who possesses the ability to grasp what is wanted and needed. His strong work ethics and positive attitude led our team in unison and pride. Mr. Viguera always dealt and resolved all unforeseen challenges with mien quiet competence and aplomb. All these are undoubtedly Mr. Viguera's trademarks.

I strongly believe that Mr. Viguera can successfully lead any group or team in accomplishing their tasks. Should you have any questions, I can be reached at 212-562-4517. Thank you very much.


Louis Montes De Oca
Simultaneous Interpreter
Temis

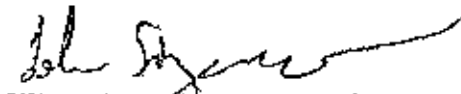
August 14th, 2006

Exhibit #9

To Whom It May Concern:

My name is John Lizcano. I used to be part of the interpreter's services at Bellevue Hospital Center. During a short period of time, Mr. Carlos Viguera was selected by Irene Quinones to be the direct supervisor of the interpreter's services. As a supervisor, Mr. Viguera was always respectful to me and always treated me well. When I was going through a rough time at work, Mr. Viguera was there to support me and advise me. Also, when I had problems at work because I was asked to leave the interpreter's services within two weeks when I was in the transition period of going to another job, Mr. Viguera was there to help me and he intervened on my behalf, so I could stay with the interpreter's services until I was actually ready to go onto the other job that I had been offered. I have no complains against Mr. Viguera. Throughout the time I was there, I never had a problem with him.

Sincerely,


John Lizcano

Carlos Viguera - Re: Sign lang. Appoint. for 5/15/06

From: Irene Quinones
To: Viguera, Carlos
Date: 5/15/2006 8:48 AM
Subject: Re: Sign lang. Appoint. for 5/15/06

Exhibit #10

Very nice. Do we have appointments for the rest of the week?

>>> Carlos Viguera 05/12/06 3:56 PM >>>
Irene, FYI
see attachment.

Carlos

- RESUME CONTINUE -

CARLOS M. VIGUERA

1020 Grand Concourse, Apt. 4R
Bronx, NY, 10451

Cont.

Fiscal Manager and Assistant Administrator 09/87 to 12/88

MONTEFIORE MEDICAL CENTER - Family Health Center

Responsible for the entire range of financial functions and the administration of the clinic. Duties included preparing financial statements, and the direct supervision of the billing, medical records and the patient registration staff; assisting in the management of the health center.

Senior Financial Manager 09/72 to 06/87

CHASE MANHATTAN BANK

(Promoted to Accounting Officer 6/83)

Controller Division

Responsible for the management and supervision of project team to include the entire range of manual and automated products costing, profitability, work measurement and productivity studies. Duties included preparing financial reports, and functioning as an internal consultant to assist management in the decision making process concerning pricing, strategic planning, profitability, expense reduction, new products and business acquisition.

RELATED EXPERIENCE:

Legal Assistant 12/88 to 05/89

GODDARD RIVERSIDE LAW PROJECT

Functioned as a Legal Assistant to the lawyers staff. Responsible for supporting the clients in the housing legal process.

EDUCATION:

Master in Public Administration, Management, New York University, 1994

Bachelor in Business Administration, Pace University, 1983

Certificate in Computer Systems Design, Pace University, 1981

Associate in Accounting, BMCC, 1972

CARLOS M. VIGUERA

1020 Grand Concourse Apt. 4R
Bronx, N.Y. 10451
(B) (212) 562-2253
(H) 718-293-8976 (Cell) 917-327-0541
CarlosViguera@juno.com

Exhibit # 12

PROFESSIONAL EXPERIENCE:

Assistant Administrator 3/98 to present

NYC HEALTH & HOSPITALS CORP. - Bellevue Hospital Center

Responsible for supervising the Patient Navigators, and Interpreters; monitoring the budget; performing the outreach function in the Latino Community; participating in health fairs to provide health care services, assess the community needs and to promote the services of Bellevue Hospital Center; Performing cost/benefits analyses.

Senior Financial Manager

Responsible for conducting financial analyses, and improving the Hospital operations. Duties included reviewing the hospital operations; conducting internal audits, generating grant expenditures reports; maintaining the cost accounting system and promoting its potential uses.

Fiscal Manager and Assistant Administrator 03/93 to 3/98

NYC DEPARTMENT OF HEALTH- Family Health Services Diagnostic & Treatment Center
Responsible for assisting in the development and implementation of the Medicaid, Third Party and Self-Pay billing systems and revenue management. Duties included revenue enhancement and projections; performing profitability and productivity analyses; designing and developing financial and clinical reports.

Communicare Health Center Program

Responsible for assisting in the implementation and management of the seven clinics network. Duties included developing and monitoring the expenditure and revenue budgets; performing the procurement function; developing contract specifications, supervising the billing staff and interacting with the New York City Fiscal Agency, vendors and other departments; assisting in the management of the Health Centers.

Senior Financial Manager 5/89 to 03/93

NYC HEALTH & HOSPITALS CORP. Central Office -Finance Division

Responsible for coordinating, developing, analyzing and monitoring \$548 million budgets of four municipal hospitals. Duties included performing variance, trend analyses, special projects and interacting with the hospitals Budget Directors.

Central Office- MIS Department

Responsible for assisting in the implementation of the cost accounting system in the eleven municipal hospitals. Duties included functioning as the liaison, reviewing the hospital operations, validating the services/products costing methodology, implementing modifications; conducting financial, case mix utilization, DRG activities analyses, and promoting the system and its potential uses.

Exhibit #
13

MANUFACTURERS HANOVER TRUST COMPANY

270 PARK AVENUE, NEW YORK, N.Y. 10017

JOHN F. MCGILLICUDDY
CHAIRMAN OF THE BOARD
AND
CHIEF EXECUTIVE OFFICER

June 19, 1984

Dear Carlos,

At the most recent meeting of the Personnel Policy Committee, you were elected a Trust Officer. It is my pleasant duty to inform you of this action and to welcome you to the official staff.

You are to be congratulated upon this recognition of your accomplishments. Best wishes for continuing success.

Sincerely yours,

Mr. Carlos M. Viguera
Trust Officer
Manufacturers Hanover Trust Company
600 Fifth Avenue
New York, NY 10020

Exhibit # 14

The President, Professors, and Trustees of

New York University

To all persons to whom his writing may come, Greeting:

Be it known that we in recognition of the successful completion of the requirements of study in your

Robert M. Wagner Graduate School of Public Service

by virtue of authority granted us by charter of the State of New York
do hereby

Carlos M. Figueroa

Redeemed

Master of Public Administration

with all the rights, privileges and immunities thereunto appertaining.
In witness whereof we have caused this Diploma to be signed by the
study authorized officers of the University and sealed with our corporate
seal on the 14th day of New York, May, Nineteen hundred ninety-four.

Robert M. Wagner
Secretary



Robert M. Wagner
President
New York University

**BELLEVUE HOSPITAL CENTER**

First Avenue at 27th Street
New York, NY 10016
Tel: (212) 562-4141

MEMORANDUM*Exhibit # 12*

April 23, 2001

TO: Pierre DuRose
Controller

FROM: Barry Schwartzman *h*
Supervising Systems Analyst

SUBJECT: Carlos Viguera Temporary Assignment To Grants

As you are aware Carlos Viguera was temporarily reassigned to my department; Grant Reporting from the Internal Auditing department on December 15, 2000. I will be leaving the department effective April 30, 2001.

For your information, Carlos performed in an outstanding manner and maintained the highest level of performance during this period of crisis and rarely needed direction after an initial explanation. He demonstrated outstanding ability when assuming unusually demanding responsibilities and has always carried a heavy workload.

cc: C. Byrne
C. Viguera

From: William Bateman
To: Viguera, Carlos
Date: 3/28/2005 5:10:07 PM
Subject: Fwd: Presentation @ ECC

*Stress-Reduction Ch
Exhibit # 6*

Nice work Carlos. This is great feedback, not easily earned. If you can bring the same level of interest to the overall Wellness at Work Program, "Healthy Works", then we're really moving. Barry

William B. Bateman, M.D.
Director, Business Development Office
South Manhattan Healthcare Network
Phone: (212) 562-4541
Fax: (212) 562-4622

>>> Shelly Mazin 03/28/05 2:26 PM >>>

Dear Carlos, on behalf of the Environment of Care Committee I want to extend our thanks for the wonderful presentation you did at the meeting this morning. As you certainly know very well stress in the workplace is becoming a serious challenge and has an impact on quality of life for employees, on illness, injury and absenteeism rates, loss of productivity, and ultimately has the potential to affect the quality of patient care. Your efforts to bring stress management strategies to all of us is just wonderful. I got many favorable comments from committee members and we all found your presentation informative and helpful. The techniques you demonstrated can be effectively incorporated into daily life both at work and at home with just small amounts of time. Your enthusiasm for the subject was evident and I think projected to many people on the committee.

I know that I will try to put your lesson to work for me and the more people who do the greater the impact will be.

Again, much thanks for sharing your time and expertise.

Shelly Mazin
Safety Director
Chair, ECC

CC: Davis, Edith

... to all of the ...
... ultimately has the pot ...
... management strategies to all of us ...
... the ...

... 2005 ...

Exhibit 11

Carlos Viguera - Re: Irene's abuses

From: "Terry Miles" <Terry.Miles@bellevue.nychhc.org>
To: <carlosviguera@juno.com>
Date: 12/19/2005 8:52:21 PM
Subject: Re: Irene's abuses

TERRY RESPONSE
MY COMPLAINTS 4

I am surprised by this turn of events Carlos. Please be patient a bit longer. I am in the throws of the potential strike working crazy and long hours. Will be here again all night assuming there's no strike settlement. I will meet with Irene as soon as possible, and then all of us if need be after that.

>>> carlos m Viguera <carlosviguera@juno.com> 12/19/05 6:49 PM >>>
Hi, Terry

I really thought about this before doing, but really can not tolerate abuses any more.

Although I work very hard every day, I come home hurt needlessly.

Some of my accomplishment:

- * The Navigator project in the New Amb. Care Building was a success.
- * The Meeting to introduce NYC Students Navigator to Bellevue was a success
- * Increase Productivity and Morale Improvement in The Interpreters Program, which I am supervising, performing every supporting function.
- * The financial function and bill paying is adequate in the Cultural Competency Dept.
- * I contributed to the success of the Hispanic Heritage events.
- * I am conducting the completion of the the Language barrier Survey in Bellevue.
- * Recruiting and Coordinating training for new Asian, Polish, Bengali, and Hispanic Interpreters.
- * I am support Irene in every little detail, errands, and new assignments she gives me.
- * remember I am a Union Member. My time is 9 to 5. However, I am working 8 to 6 most of the time without additional time off or compensation.

The things is that the Interpreters and I am having fun with this work.

Why then, I have to be humiliated every day and sometimes in front of people.

She harsh and insensitive; does really try to understand, and come across very moody and emotional. I think Irene really see me as a threat or a competitor. Things are really escalating every day.

Terry, you, Irene and I have to speak together so that she does not compromise my position and and do not want to make a mistake and compromise my position.

I can not work under this condition.

I thank you for your time

Carlos

EXHIBIT 17

18

Carlos Viguera - Fwd: Reporting Change

From: Terry Miles
To: Viguera, Carlos
Date: 2/21/2006 10:21 AM
Subject: Fwd: Reporting Change
CC: Joubert, Minerva

Good morning, Carlos. FYI on the attached. The below email was sent to administrators on Friday. In all likelihood you will not be reporting to Irene much longer. Give me a bit more time to settle things out given this reporting change. Hang in there.

>>> Terry Miles 02/17/06 6:02 PM >>>

Effective Tuesday, February 21st, Irene Quinones will report to Irene Torres. Irene Q will take on added responsibility in the QA oversight of Case Management, plus continue to have responsibilities related to LEP, Cultural Competency and Patient Advocacy.

Please join me in supporting both Irene's in this transition.

EXHIBIT #1

Carlos Viguera - Re: Terry Please don't forget me

From: Terry Miles
To: Viguera, Carlos
Date: 3/31/2006 5:31 PM
Subject: Re: Terry Please don't forget me
CC: Joubert, Minerva

Hi Carlos. Thanks so much for your patience. I have been pursuing a few potentials and should know more definitively next week. Please be in touch by week's end if you have not heard from me beforehand. I have copied Minerva so she is aware. Have a great weekend.

Terry

>>> Carlos Viguera 3/29/2006 12:00 PM >>>
Hi, Terry

I am waiting patiently, but feeling somewhat insecure about my position. When will I be place in a permanent spot?

Thanks

Carlos

Exhibit # 10/6/01

Draft 10-5-05
Bellevue Hospital Center
Functional Job Description
Cultural Competency & LEP Program

Name: Carlos Viguera Department: Cultural Competency & LEP

Title: Sr H.C.P.P.A.

Reports to: Irene Quinones

Tour* (check one) I ☐ II ☐ III ☐

Summary of Duties

1. Recruitment and supervision of Temporary Navigators - Work with Prompt Temporary Agency for hiring temporary Navigator Staff

- Interview and Screen candidates for appropriate skills
- Create schedules and assignments for Navigators
- Troubleshoot problems with assignments, issues as they arise.
- sign time sheets and make sure hours reported are correct

(Note: As of today it is unclear if the Navigators Program will continue. Hospital Leadership will make a determination. If the program changes either through elimination or if it changes from temporary to permanent, this job function will also change.)

2. Track and monitor requisitions for Prompt Agency

- Track status of requisitions for Prompt Agency
- Track and insure that a P.O. has been generated
- Work closely with Accounts Payable and Finance/Budget unit to monitor and track budget and payment process for Navigators
- Prepare and submit time sheets for payment of program participants

3. Collect and monitor data for Navigators

- Track daily encounters
- Track language demand
- Create excel spreadsheets
- Interpret data

4. E-Commerce

- Track and monitor requisitions for E-Commerce

Exhibit #

5. Work with Immigrant Advocacy Group (Temporary)

- Work with IAG for scheduling and assignment of Medical Interns
- Insure Orientation with appropriate Departments
- Insure information provided is adequate

6. Assist with Interpreter coverage and medical clearances

- Provide coverage as needed (Telephone, assignments, metro-cards, etc.)
- Assist with obtaining medical clearances for new recruits

7. Act as liaison for Cultural Competency & LEP Program Interpreter program and all other departments throughout the facility

8. Assist Director with requests as they arise.

I have received a copy of this job description and understand that I am responsible for, and will be evaluated on the duties contained herein.

Employee: Name: Carlos M. Viguera Signature: Carlos M. Viguera

Date: 10/6/05

Supervisor: Irene Quinones Signature: Irene Quinones

Date: 10/6/05

Exhibit 21

Bellevue Hospital Center
Functional Job Description
Cultural Competency & LEP Program

Name: Carlos Viguera Department: Cultural Competency & LEP

Title: Sr. HCPPA

Reports to: Irene Quinones

Tour* (check one) I II III

Summary of Duties

1. E-Commerce –
 - Enter bills for Deaf Interpreters
 - Track and monitor bills
2. Assist Director with requests as they arise
 - errands
 - Xeroxing
 - telephone calls, etc

I have received a copy of this job description and understand that I am responsible for, and will be evaluated on the duties contained herein.

Employee: Name: Carlos Viguera

Signature: Carlos L. Viguera

Date: 1/17/06

Supervisor: Irene Quinones

Signature: Irene Quinones

Date: 1/17/06

EXHIBIT
2Job Description
Client Navigator

Under supervision, performs client navigating related duties.

Meet and greet patients who come to Bellevue Hospital seeking services;

Assist patients in a culturally sensitive manner and address barriers, i.e., language, needing services, i.e., appointments, Billing, in accessing all services.

Help patient with information, questions, and understanding how to obtain hospital services;

Help patients reach the destinations, i.e., ambulatory care clinics, administrative services, inpatient services, pre-surgical testing site, labs, etc.

Obtain wheelchairs for patients who have difficulty walking;

Assist patients who require interpreter services, by obtaining a qualified trained interpreter, either through the Volunteer Interpreter Office, TEMIS, or Language Line.

Provide coverage for other client navigators when called to do so;

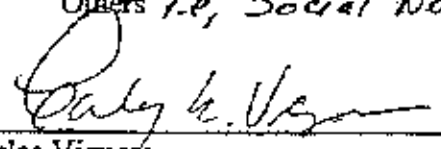
Maintain logs of patient encounters and types of encounters;

Perform duties as requested by Sr. Associate Director, i.e.,

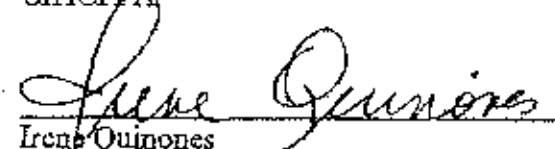
Language Barriers Surveys – telephone calls

Patient Satisfaction Surveys – Inpatient, Outpatient, AES

Others i.e., Social Work Project IQ 2/8/06


Carlos Viguera
SrHCPDA


Date


Irene Quinones
Sr. Associate Director


Date

#23

Carlos Viguera - 30-day Readmission project

From: Sybil NurseReeves
To: Carlos Viguera
Date: 3/2/2007 2:24 PM
Subject: 30-day Readmission project
CC: Irene Torres

Good afternoon Carlos,

This is a follow-up to our meeting yesterday (3/1/07). The following was discussed:

1. Your schedule which is as follows:

8:00 AM - 9:00 AM - Providing Navigation Services
9:00 AM - 12:00 Noon - Conducting the 30-day readmission survey
12:00 noon - 1:00 PM - Lunch
1:00 PM - 2:00 PM - Inputting data collected from 30-day readmission survey and follow-up telephone surveys
2:00 PM - 4:00 PM - Providing Navigation Services

2. You will have access to print the daily 30-day readmission report (previously provided by Tiffany Cho and/or Cynthia Grant)

I made the request via MIS the ticket # is 112009. You will be responsible for printing out the daily report to conduct the survey.

3. You will be responsible for inputting the data collected from the survey. The program on the QM Server will be placed on

your computer. I contacted MIS and made the request. The ticket # is 111999. You can contact Paul Ridikis x 2442

if you have any questions regarding the program. Paul designed the program.

** Sylvia Elias will continue to input data collected thru Friday, 3/2/07, then you will responsible for inputting the data.

Please do not hesitate to contact me if you have any further questions.

Thank you,
Sybil

with

EXHIBIT
#24
CONTINNEW YORK CITY HEALTH AND HOSPITALS CORPORATION
HUMAN RESOURCES
POSITION DESCRIPTION

Position Title	Title Code(s)	Effective	Reissued	Revised
Senior Health Care Program Planner/Analyst		12/29/95		
Level A	000320			
Level B	000330			

Purpose of Position:

This class of position encompasses managerial responsibilities of various degrees of complexity and difficulty with varying degrees of latitude for independent initiative and judgement in health care program planning, analysis and implementation.

Plans, designs, analyzes and evaluates total programs and systems relating to the delivery of health care services; implements these activities through consultation, liaison and analytical functions; may supervise and coordinate work of subordinate staff.

There are two (2) assignment levels to differentiate ascending order of assignment difficulty with corresponding higher pay levels.

Examples of Typical Tasks:Assignment Level A

Under general supervision with wide latitude for the exercise of independent initiative and judgement performs some of the following functions.

1. Develops plans and approaches and identifies key elements of study of Health Care Planning.
2. Designs related studies such as, but not limited to: (a) Feasibility of health care delivery systems and resources analysis; (b) Content and standards for professional components of projects; (c) Affiliation relationships; (d) Socio-economic and demographic data; (e) Public policy and Legal restraints.
3. Participates in the development of criteria for research studies and develops validity and reliability measures, and makes recommendation for further research.

#21

Cont'd

**NEW YORK CITY HEALTH AND HOSPITALS CORPORATION
HUMAN RESOURCES
POSITION DESCRIPTION**

<i>Position Title</i>	<i>Title Code(s)</i>	<i>Effective</i>	<i>Revised</i>	<i>Revision</i>
Senior Health Care Program Planner/Analyst		12/29/95		
Level A	000320			
Level B	000330			

Examples of Typical Tasks (continued):

4. Represents the cost center and maintains liaison with key health facilities personnel, community representatives, governmental and health care agencies for the purpose of achieving optimum effectiveness of the planning process.
5. Serves as resource to other cost groups (i.e. Finance, Operation and Medical and Professional Affairs) for interrelated problems concerning ambulatory care and community health.
6. Develops strategies and alternative approaches for improvement of specified health care programs and assists the Director in assessing existing resources and determining priorities.
7. Designs evaluation procedures by which cost effectiveness and program efficiency can be determined; and directs evaluation audits.
8. Supervises subordinate personnel, assigns work, evaluates performance, guides and furnishes direction.
9. Provides technical/professional assistance to operational facilities by: development of training materials and/or sessions; and the preparation of policy statements, interpretive bulletins, implementing procedures, and through consultations.

Assignment Level B (This level for Central Office Only)

Under direction with the widest latitude for the exercise of independent initiative and judgement, performs some of the major duties described under Level A; and

#2

**NEW YORK CITY HEALTH AND HOSPITALS CORPORATION
HUMAN RESOURCES
POSITION DESCRIPTION**

<i>Position Title</i>	<i>Title Code(s)</i>	<i>Effective</i>	<i>Revised</i>	<i>Revised</i>
Senior Health Care Program Planner/Analyst		12/29/95		
Level A	000320			
Level B	000320			

Examples of Typical Tasks (continued):

- Organizes and coordinates the establishment of health care planning projects; initiates the development of conceptual and analytical prototypes.
- May direct and coordinate the activities of an organizational unit(s) concerned with one or more aspects of health care program planning, directs staff, sets unit priorities, evaluates work and provides on-going guidance to subordinates.
- Develops channels of communication with such corporate managerial personnel, community groups and representatives of governmental and health care agencies as are required to maximize planning activities.
- Provides high-level analytic and administrative support to resolve complex coordination of health care services, with an emphasis on the issues, problems, and general modes of operation of Corporation activities which impact, either directly or indirectly, on planning, implementing, developing, and evaluating such services.
- Directs evaluation studies and program performance audits; and their acceptance and/or adoption.
- Sets the overall standards for research and investigating criterion.

Qualification Requirements:

- A Baccalaureate Degree from an accredited college or university in Business Administration, Engineering or Social Sciences, Health Care Specialization, Physical Sciences or related programs; and

A minimum of four (4) years of progressive, responsible experience related to Health Care Program Planning, Research, Design, Operation, Evaluation and Analysis; or

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION

(Name of Facility)

EMPLOYEE PERFORMANCE EVALUATION

Exhibit # 604

Employee Name - Last, First, Initial Viguera, Carlos		Employee I.D. No. 070-42-9618	
Title Sr. HOPPA	Date Appointed to Title 3-22-93	Unit Cultural Competency/LEP/Care Management	
Period Covered by this Evaluation From: June 30, 2005 To: July 1, 2006		Type of Evaluation <input type="checkbox"/> Promotion <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Probation <input type="checkbox"/> Exit <input type="checkbox"/>	
Evaluation Prepared By Irene Quinones		Title Sr. Associate Director	
JOB ASSIGNMENT: (Briefly describe major tasks of employee in order of importance - not more than five items) 1. Recruitment and supervision of Temps for the Navigators Program (July-Sep 2005) 2. Track and monitor requisitions for E-Commerce (Sign Language Interpreters and the former patient navigators program) 3. Supervise Interpreters (November-January 2006)			
INSTRUCTIONS: In terms of duties listed, please utilize the checklist to appraise the performance of each employee. For each set of items, select the group of words which best describes your judgment of the employee. The employee's overall performance should be considered rather than evaluating on the basis of an isolated incident. Avoid allowing one factor of the employee's performance which may be good to influence another factor which should be improved upon, or one factor which is weak to influence another factor which is good.			
KNOWLEDGE OF JOB Consider extent of employee's knowledge of current job. Does employee know what to do and why?	<input type="checkbox"/> Exceptional knowledge / information	<input type="checkbox"/> Knows what to do and how to do it with minimal supervision	<input checked="" type="checkbox"/> Sometimes hand-capped by gaps in knowledge/information
			<input type="checkbox"/> Requires help even on routine matters
Comments:			
QUALITY OF WORK Consider ability to produce work, which is of high quality - neat, thorough, regardless of volume.	<input type="checkbox"/> Moderate amount of work requires re-doing	<input type="checkbox"/> Does complete and accurate job in all respects	<input checked="" type="checkbox"/> Errors/omissions serious and frequent
			<input type="checkbox"/> Work is usually acceptable (very few errors/omissions)
Comments: Mr. Viguera forgot to CC me on emails to other departments (administrators); Reports and memos written by him require close monitoring and review; Follow-up and repeated requests are necessary; timesheets are submitted late, application to Mr. Daniels in the Volunteer Dept were not submitted when first requested. When asked why, he responded: "I was too busy, you were too busy."			

QUANTITY OF WORK Consider amount of work produced under normal conditions and extent to which employee meets expected deadlines	<input type="checkbox"/> Amount of work inadequate	<input checked="" type="checkbox"/> Amount of work completed sometimes below average	<input type="checkbox"/> Turns out good volume of work	<input type="checkbox"/> Consistently turns out very large volume of work
Comments: Mr. Viguera has difficulty completing tasks in a timely fashion. He always attributes his failure to comply with time lines to: "Too many things to do." On some occasion he attended to the stress class he was teaching on Thursdays at 1pm for his inability to complete tasks. Mr. Viguera was asked to discontinue this 1pm Stress Class.				
RELATIONS WITH PATIENT/PUBLIC Consider whether employee is courteous, sensitive to feelings and interests of patients and/or public	<input type="checkbox"/> Courteous and responsive to patients and public	<input type="checkbox"/> Ineffective or inconsiderate in dealing with patients and public	<input type="checkbox"/> Unusually effective in relations with patients and public	<input checked="" type="checkbox"/> Occasionally tactless or uncooperative
Comments: Mr. Viguera has difficulty communicating with other key employees. His interactions are perceived as rude and unprofessional. Consequently other employees are reluctant to interact or work with him.				
JUDGMENT Consider ability to make decisions and to use resources to best advantage. Does employee know when to seek advice?	<input checked="" type="checkbox"/> Has some difficulty in making necessary and sound judgment	<input type="checkbox"/> Anticipates problems and independently takes appropriate action	<input type="checkbox"/> Generally knows what should be done and how to go about it	<input type="checkbox"/> Makes frequent errors in judgment
Comments: Mr. Viguera has difficulty with follow-up and decision-making. When asked to contact the chief of the Medical Clinic to discuss the assignment of an interpreter to the clinic, this required many reminders. When he finally did it, he introduced the interpreter to the residents and not the clinic chief. This prompted the clinic Chief to call me and ask me where was the interpreter that was committed to the clinic.				
ADAPTABILITY Consider the speed with which employee learns and amount of training needed to teach new skills	<input type="checkbox"/> Receptive to new instructions/ideas and applies them quite quickly	<input type="checkbox"/> Very slow in grasping new instructions/ideas, even with constant supervision	<input checked="" type="checkbox"/> Experiences some difficulty in grasping new instructions/ideas without follow-up	<input type="checkbox"/> Immediately grasps new instructions/ideas and applies them in work
Comments:				
RELIABILITY Consider ability of employee to get work out, especially under pressure and to follow through to completion	<input checked="" type="checkbox"/> Cannot be relied upon to carry out assignments without constant prodding and checking	<input type="checkbox"/> Fulfills commitments with normal supervision	<input type="checkbox"/> Handles even difficult problems with little or no supervision	<input type="checkbox"/> Occasionally fails to complete assignments. Needs direction
Comments: Mr. Viguera was unable to complete and provide the Language Barriers report in a timely fashion; Mr. Viguera has given in his time sheet three weeks late. When asked why, he stated he had too many things to do.				

#2
Con

ATTENDANCE

Are absences of employee excessive? If yes, indicate the number of times absent in rating period and what action has been taken.

No

PUNCTUALITY

Is employee excessively late? If yes, indicate the number of times late in rating period and what action has been taken.

NO

SUMMARY**I. EVALUATION CHECKLIST**

- a. Did you consider entire rating period?
- b. Did you consider every task?
- c. Did you determine the most important part of the job and give that greater consideration in evaluating the employee's performance?

II. SUMMARY RATING

In arriving at a summary rating, do not merely add up or average the rating of individual factors. First determine which factors are of the greatest importance in performing the duties of the position. Give greater weight to these factors in arriving at a summary rating. You may wish to consider factors which have been rated above. Use your ratings of the listed factors as a guide, but consider the overall performance of the employee in order to arrive at a summary rating.

- ☐ Outstanding
- ☐ Satisfactory
- ☒ Needs Improvement
- ☐ Below Standard

- III. If evaluation is *Outstanding*, *Needs Improvement* or *Below Standard*, state reasons for such rating below. Be specific, giving dates and details wherever possible. In addition to commenting on evaluation factors, cite other factors as well. (Attach additional sheets if necessary).

Mr. Viguera has difficulty meeting deadlines. A language barriers report that was needed for a meeting was not completed on-time. Time sheets are not submitted on time. His work requires close monitoring and supervision. Mr Viguera has communication issues with other employees, including staff that he supervises. The secretaries in Ambulatory Care did not want to interact with him anymore. The interpreters feel that his communication is condescending. Mr. Viguera claims that his failure to meet deadlines are due to: 1. "too many things to do" and 2. "I'm busy and you're busy".

IV. PLANS FOR IMPROVEMENT

List specific areas in which development is needed and plans you suggest for developing employee.

Mr. Viguera is encouraged to keep a log of any spicific tasks he is given. If he has difficulty meeting the requirements, he should discuss it with his immediate supervisor. Mr. Viguera has to improve his communications skills when dealing with other employees. Mr. Viguera feels that failure to perform his duties is due to the failures of others, i.e., his supervisor, other employees. He is encouraged to reflect on the above comments and take initiative to improve his skills as they relate to communication, written and verbal, and meeting deadlines as well as improving his overall work performance. He is encouraged to attend courses in the Urban Learning Academy on time management, writing courses, supervision, etc. Mr. Viguera is no longer supervising the Interpreter program. He is no longer responsible for E-commerce. As of June 2006 he transitioned to the Navigators Program. In addition, he will be performing other duties, i.e., Language Barriers, Patient Satisfaction and Social Work Surveys. He should focus on his tasks as they relate to the Navigator program. Any issues regarding the other navigators should be addressed with his supervisor. He has been counseled by his supervisor on this and a formal counseling is scheduled for 7/28/06.

V.

Supervisor's Name

Title

Irene Quinones

Sr Associate Dir.

Supervisor's Signature

Date

Irene Quinones

7/27/06

VI. REVIEWED BY DEPARTMENT HEAD

Signature

Date

[Signature]

7/28/06

Comments:

Vindicative & Reprimend because I do not
 Allow Irene Quinones to Abuse me Verbally &
 And not to Take me out of the Union.
 I do not Agree with anything on this Evaluation
 & I will write a Rebuttal.

VII. EMPLOYEE

My signature on this evaluation and any attachments merely indicates that I have read it and have received a complete copy of it. It does not mean that I agree with the statements made, nor does it waive my right to appeal. I acknowledge that I have been advised of my rights to submit a rebuttal to any rating, in writing, to my supervisor within the next ten (10) calendar days.

Employee's Signature

Date

Eduy L. Viguera

8/2/06

Comments:

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION

Bellevue Hospital Center

(Name of Facility)

EMPLOYEE PERFORMANCE EVALUATION

Exhibit A
26
Cont'd

Employee Name - Last, First, Initial Viguera, Carlos M.		Employee I.D. No. 070-42-9618
Title Senior HCTPA	Date Appointed to Title 3/30/98	Unit Finance - Internal Audit
Period Covered by this Evaluation From: July 1, 2000 To: December 7, 2000		Type of Evaluation <input type="checkbox"/> Promotion <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Probation <input type="checkbox"/> Exit <input type="checkbox"/>
Evaluation Prepared By Christopher J. Byrne		Title Director of Internal Audit

JOB ASSIGNMENT: (Briefly describe major tasks of employee in order of importance - not more than five items)

1. Flowchart the Accounting/Operational area under review, prepare functional descrip
2. Prepare/execute steps in the audit program - documenting audit findings, prepare audit workpapers.
3. Make recommendations to improve the Accounting/Operational system.
4. Conduct any other management reviews/Analyses as required.
5. Assists in the production of the Audit Report.
6. Functions as Liaison Between Bellevue Auxiliaries and outside Audit firms.

INSTRUCTIONS: In terms of duties listed, please utilize the checklist to appraise the performance of each employee. For each set of items, select the group of words which best describes your judgment of the employee. The employee's overall performance should be considered rather than evaluating on the basis of an isolated incident. Avoid allowing one factor of the employee's performance which may be good to influence another factor which should be improved upon, or one factor which is weak to influence another factor which is good.

KNOWLEDGE OF JOB

Consider extent of employee's knowledge of current job. Does employee know what to do and why?

Exceptional knowledge /information

☒

Knows what to do and how to do it with minimal supervision

Sometimes handicapped by gaps in knowledge /information

Requires help even on routine matters

Comments:

QUALITY OF WORK

Consider ability to produce work which is of high quality-neat, thorough, regardless of volume.

Moderate amount of work requires re-doing

☒

Does complete and accurate job in all respects

Errors/omissions serious and frequent

Work is usually acceptable very few errors/omissions

Comments:

QUANTITY OF WORK

Consider amount of work produced under normal conditions and extent to which employee meets expected deadlines

Amount of work inadequate

Amount of work completed sometimes below average

Turns out good volume of work

Consistently turns out very large volume of work

Comments:

Exhibit 21

Continue

RELATIONS WITH PATIENT/PUBLIC

Consider whether employee is courteous, sensitive to feelings and interests of patients and/or public

Courteous and responsive to patients and public

Ineffective or inconsiderate in dealing with patients and public

Unusually effective in relations with patients and public

Occasionally tactless or uncooperative

Comments:

JUDGMENT

Consider ability to make decisions and to use resources to best advantage. Does employee know when to seek advice?

Has some difficulty in making necessary and sound judgment

Anticipates problems and independently takes appropriate action

Generally knows what should be done and how to go about it

Makes frequent errors in judgment

Comments:

ADAPTABILITY

Consider the speed with which employee learns and amount of training needed to teach new skills

Receptive to new instructions/ideas and applies them quite quickly

Very slow in grasping new instructions/ideas, even with constant supervision

Experiences some difficulty in grasping new instructions/ideas without follow up

Immediately grasps new instructions/ ideas and applies them in work

Comments:

RELIABILITY

Consider ability of employee to get work out, especially under pressure and to follow through to completion

Cannot be relied upon to carry out assignments without constant prodding and checking

Fulfills commitments with normal supervision

Handles even difficult problems with little or no supervision

Occasionally fails to complete assignment Needs direction

Comments:

ATTENDANCE

Are absences of employee excessive? If yes, indicate the number of times absent in rating period and action has been taken.

No.

Exhibit #28

PUNCTUALITY

Is employee excessively late? If yes, indicate the number of times late in rating period and what action has been taken.

No.

SUMMARY**I. EVALUATION CHECKLIST**

- Yes { a. Did you consider entire rating period?
b. Did you consider every task?
c. Did you determine the most important part of the job and give that greater consideration in evaluating the employee's performance?

II. SUMMARY RATING

In arriving at a summary rating, do not merely add up or average the rating of individual factors. First determine which factors are of the greatest importance in performing the duties of the position. Give greater weight to these factors in arriving at a summary rating. You may wish to consider factors which have been rated above. Use your ratings of the listed factors as a guide, but consider the overall performance of the employee in order to arrive at a summary rating.

- ☐ Outstanding
☒ Superior
☐ Satisfactory

☐ Needs Improvement

☐ Below Standard

- III. If evaluation is *Outstanding*, *Needs Improvement* or *Below Standard* state reasons for such rating below. Be specific, giving dates and details wherever possible. In addition to commenting on evaluation factors, cite other factors as well. (Attach additional sheets if necessary).

V. **PLANS FOR IMPROVEMENT** List specific areas in which development is needed and plans you suggest developing employee.

V.

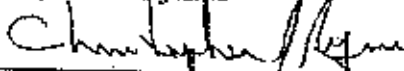
Supervisor's Name

Christopher J. Byrne

Title

Director of Internal Audit

Supervisor's Signature



Date

9/17/01

VI. **REVIEWED BY DEPARTMENT HEAD**

Signature

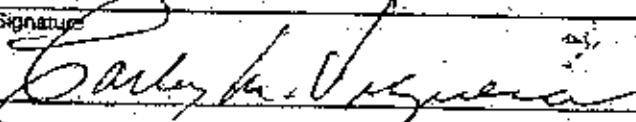
Date

Comments:

VII. **EMPLOYEE**

My signature on this evaluation and any attachments merely indicates that I have read it and have received a complete copy of it. It does not mean that I agree with the statements made nor does it waive my right to appeal. I acknowledge that I have been advised of my rights to submit a rebuttal to any rating, in writing, to my supervisor within the next ten (10) calendar days.

Employee's Signature



Date

10/17/01

Comments: The Evaluation covering the period of December 8, 2000 through June 30, 2001 will be done by the Grant manager & Unit 5 managers. ✓
NOTE: This was never done formerly by Mr. B. Schreider

**NEW YORK CITY
HEALTH AND HOSPITALS
CORPORATION**
**MANAGERIAL
PERFORMANCE
APPRAISAL**

Employee's Name (Last, First, M.I.)

VIGUERA, CARLOS M.

Social Security Number

070-42-9618

Date of Appointment
to Title

5/22/89

Title

SENIOR MANAGEMENT CONSULTANT

Department/Unit

MIS COST ACCOUNTING SYSTEMS

Facility

CENTRAL OFFICE

Type of Evaluation

☒ Annual☐ Six Month☐ Reevaluation

Period Covered

From 7/1/89

To 6/30/90

Prepared by

KEVIN P. COUGHLIN

Date

6/12/90

The performance appraisal is divided into the following parts:

- Part I — Current Responsibilities
- Part II — Supervisory/Managerial Abilities
- Part III — Personal Attributes
- Part IV — Performance Analysis
- Part V — Projected Responsibilities
- Part VI — Overall Evaluation

Ratings	Definitions
Outstanding	Performance is noticeably outstanding for this position. Achievements far exceed position's performance objectives. Exceptional contribution made to departmental, divisional, and/or Corporate goals.
Superior (Above Standard)	Performance and contributions are above expectancy for this position. Achievements in most cases exceed performance objectives.
Satisfactory (Meets Standard)	Performance represents the expected level for this position. Achievements meet performance objectives either fully or with rare exception.
Marginal (Below Standard)	Performance is often below expectancy for this position. Results frequently do not meet performance objectives. A reevaluation is required after three months.
Unsatisfactory	Performance is consistently below minimal expectancy for this position.

PART I - CURRENT RESPONSIBILITIES

Complete One Page For Each Responsibility. Attach Additional Pages As Necessary.

COMPLETED BY EMPLOYEE

RESPONSIBILITY:

Identify a major responsibility.

Analyze Cost Accounting Systems data for operations usefulness and Central Office Cost Accounting Systems unit monitoring of Cost Accounting Systems process.

#27

ACTIVITIES:

Identify the specific tasks performed to accomplish the above responsibility.

- Analyzed relationship of Central Office and Facility Indirect expenses allocation by facilities to improve Indirect Expense allocation bases.
- Developed Nursing, Clinics, Inpatient and Ancillary expense breakdown using LOTUS 1-2-3 to perform analysis.
- Developed Direct, Indirect and Total costs per patient discharged by facility.
- Developed total Central Office Indirect Expense % by facility in relation to number of beds.
- Produced listing of 15 analyses that could be conducted for data useful

PROGRESS: (Check One) and Central Office monitoring.

☐ In Progress/On-Going ☒ Completed ☐ Withdrawn

APPROXIMATE PERCENTAGE of Evaluation Period Spent In Performing These Tasks: 10 %

COMPLETED BY SUPERVISOR/MANAGER

APPRAISAL:

Describe the employee's performance in completing the specific tasks associated with this responsibility.

Carlos works diligently on specific analytic projects when they are assigned, and, as is the case with a number of the tasks above, has learned to initiate tasks on his own which demonstrate the knowledge he has gained of the system this past year.

RATING:☐ OUTSTANDING☒ SUPERIOR☐ SATISFACTORY☐ MARGINAL☐ UNSATISFACTORY

(Above Standard)

(Meets Standard)

(Below Standard)

CURRENT RESPONSIBILITIES

Complete One Page For Each Responsibility. Attach Additional Pages As Necessary.

COMPLETED BY EMPLOYEE

RESPONSIBILITY:

Identify a major responsibility.

#27

Participated and Coordinated PADBARS Cost Accounting Implementation Phase.

ACTIVITIES:

Identify the specific tasks performed to accomplish the above responsibility.

- Learned the Concepts & Methodology of the entire C.A.S.
- Wrote & made presentation to Mr. Coughlin, Director of CAS about CAS's
- Developed a Gantt chart depicting the CAS Implementation workplan and timetable.
- Made a presentation about implementation guidelines to each acute care facility.
- Followed up closely on the progress of the CAS Implementation at the acute care facilities & gave special attention to Harlem, Kings County Lincoln, which were back logged on the implementation process.
- Helped with the M&D G/L Allocation by understanding basic concepts obtaining stats & summarizing stats.

PROGRESS: (Check One)

☐ In Progress/On-Going ☒ Completed ☐ Withdrawn

APPROXIMATE PERCENTAGE of Evaluation Period Spent in Performing These Tasks: 70 %

COMPLETED BY SUPERVISOR/MANAGER

APPRAISAL:

Describe the employee's performance in completing the specific tasks associated with this responsibility.

Carlos is patient and thorough in attending to detailed work assignments, such as developing workplans and in coordinating meetings while juggling many players' schedules. He also follows up on individual progress well.

RATING:

☐ OUTSTANDING ☒ SUPERIOR (Above Standard) ☐ SATISFACTORY (Meets Standard) ☐ MARGINAL (Below Standard) ☐ UNSATISFACTORY

PART I - CURRENT RESPONSIBILITIES

Complete One Page For Each Responsibility. Attach Additional Pages As Necessary.

COMPLETED BY EMPLOYEE**RESPONSIBILITY:**

Identify a major responsibility.

#2

Maintain a Cost Accounting System liaison relationship with eleven acute care facilities CAS liaisons in order to maintain the system and continue to provide technical support.

ACTIVITIES:

Identify the specific tasks performed to accomplish the above responsibility.

- Coordinate CAS meeting and presentation between Central Office C.A.S. and 11 facilities.
- Continue follow-up to assess C.A.S. situations and provide Cost Analysis Support.
- Apply previous banking liaison experience to the hospital environment.
- Analyze workload and distribute periodical frequency variance report for corrections.

PROGRESS: (Check One)☒ In Progress/On-Going ☐ Completed ☐ WithdrawnAPPROXIMATE PERCENTAGE of Evaluation Period Spent In Performing These Tasks: 10 %**COMPLETED BY SUPERVISOR/MANAGER****APPRAISAL:**

Describe the employee's performance in completing the specific tasks associated with this responsibility.

Carlos has established a good working relationship with facility finance staff who have been assigned to the CAS project and with his co-workers here at Central office. This has helped to keep the project moving forward during this implementation phase.

RATING:☐ OUTSTANDING☒ SUPERIOR☐ SATISFACTORY☐ MARGINAL☐ UNSATISFACTORY(Above
Standard)(Meets
Standard)(Below
Standard)

PART I - CURRENT RESPONSIBILITIES

Complete One Page For Each Responsibility. Attach Additional Pages As Necessary.

COMPLETED BY EMPLOYEE**RESPONSIBILITY:**

Identify a major responsibility.

Improve Cost Accounting System Costing Data.

Cx #27

ACTIVITIES:

Identify the specific tasks performed to accomplish the above responsibility.

- Discuss each acute care facility operations with C.A.S. liaisons and personnel to gain understanding of operations and services.
- Determine facility specific problems, and best Cost Accounting technique to be applies, expense allocation bases, etc.
- Disseminate common C.A.S. improvement knowledge among facilities and create a connection among the eleven acute care facilities.

PROGRESS: (Check One)
☒ In Progress/On-Going
 ☐ Completed
 ☐ Withdrawn
APPROXIMATE PERCENTAGE of Evaluation Period Spent In Performing These Tasks: 10 %**COMPLETED BY SUPERVISOR/MANAGER****APPRAISAL:**

Describe the employee's performance in completing the specific tasks associated with this responsibility.

This area of his responsibility continues to be a learning ground for him to become familiar with facility operations - their similarities and differences. Eventually this should help us to improve the quality of the cost data in the system.

RATING:☐ OUTSTANDING
☐ SUPERIOR
(Above
Standard)

☒ SATISFACTORY
(Meets
Standard)

☐ MARGINAL
(Below
Standard)
☐ UNSATISFACTORY

PART II — SUPERVISORY/MANAGERIAL ABILITIES

Directions	Rating					Comments
Mark the box that most accurately describes the performance of the individual being appraised. Comment where appropriate. For items not relevant to the employee's job, insert "NA" under comments.	OUTSTANDING	SUPERIOR	SATISFACTORY	MARGINAL	UNSATISFACTORY	Attach additional sheets, if necessary. Reference comments by section. Comments are required for ratings of "Marginal" or "Unsatisfactory."
POLICY IMPLEMENTATION						
Effective in the application of personnel policies and procedures, performance appraisal programs, employment/promotion practices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Effective in the management of performance problems, terminations and other issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Effective in the application of Corporate and Hospital policies and procedures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
QUALITY OF WORK						
Work products are accurate and thorough.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
QUANTITY OF WORK						
Volume of work meets performance expectations. Projects and/or responsibilities are completed by deadline.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
JOB KNOWLEDGE						
Performance demonstrates acceptable knowledge and ability. Demonstrates good ability to establish and meet goals. Has good understanding of the interrelationship between own unit and other areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DIRECTION/SUPERVISION						
Effective in establishing rapport, securing support and influencing others.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Effective in delegating responsibility, maintaining objectivity and communicating information necessary to complete the job.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
EMPLOYEE MOTIVATION/MORALE						
Effective in developing and maintaining an organizational/managerial atmosphere conducive to building motivated and productive employees. Takes specific actions to improve morale.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SELECTION/DEVELOPMENT						
Effective in selecting employees and in assisting them in their current position and in their development for future responsibilities. Includes orientation, training, and career coaching.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
AFFIRMATIVE ACTION						
Effective in supporting the Corporation's affirmative action goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA
Achieves affirmative action hiring, promotion and development objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA

PART III - PERSONAL ATTRIBUTES

Directions	Rating					Comments
Mark the box that most accurately describes the performance of the individual being appraised. Comment where appropriate. For items not relevant to the employee's job, insert "NA" under comments.	OUTSTANDING	SUPERIOR	SATISFACTORY	MARGINAL	UNSATISFACTORY	Attach additional sheets, if necessary. Reference comments by section. Comments are required for ratings of "Marginal" or "Unsatisfactory."
INITIATIVE						
Effective in taking action without being told.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMMUNICATION						
Effective in using oral and written communications and in keeping others informed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISCRETION						
Effective in the appropriate handling of confidential information.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ANALYTICAL ABILITY						
Effective in thinking through a problem; and in recognizing, securing and evaluating relevant facts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
INTERPERSONAL SKILLS						
Effective in relating in an appropriate and productive manner to subordinates, associates, supervisors and others.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Demonstrates sensitivity to diversity in the workforce, i.e., culture, gender and EEO protected status.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ABILITY TO WORK UNDER PRESSURE						
Effective in meeting schedules and adapting to change.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RESPONSIBILITY						
Effective in assuming and carrying out the commitments and obligations of the position. Demonstrates reliability and trustworthiness.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CREATIVITY						
Effective in generating worthwhile new ideas or techniques which have practical application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
JUDGMENT						
Effective in making sound conclusions and decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

PART IV - PERFORMANCE ANALYSIS**COMPLETED BY SUPERVISOR/MANAGER**

Identify employee's principal strengths, skills and abilities.
Comments must be specific and job-related.

- attention to detail
- analytic ability
- effectiveness in working with others.
- willingness to take on additional responsibilities

#27

Identify employee's principal improvement and development needs.
Comments must be specific and job-related.

COMPLETED BY SUPERVISOR/MANAGER

Identify the action plans to address improvement and development needs.

Attendance at appropriate professional seminars: cost accounting, Financial Systems, Project Management. #27

PART V - PROJECTED RESPONSIBILITIES

COMPLETED BY SUPERVISOR/MANAGER

Projected responsibilities for evaluation period covered from: 7/1/90 to: 6/30/91

Identify the specific responsibilities or major job duties which will be assigned to the employee for the next evaluation period.

1. Follow up on progress of 3 facilities still preparing to implement.
2. Monitor CAS utilization at all 11 acute care facilities.
3. Discuss reports from system with facility LCO users to develop more customized reports to meet users needs.
4. Perform variance analysis to highlight exceptions/trends.
5. Continue to act as liaison for changes and improvements to costing methodology to reflect facility business practices.
6. Expand liaison activities to Ambulatory Care facilities.

PART VI -- OVERALL EVALUATION

COMPLETED BY SUPERVISOR/MANAGER

RATING:

☐ OUTSTANDING☒ SUPERIOR
(Above
Standard)☐ SATISFACTORY
(Meets
Standard)☐ MARGINAL
(Below
Standard)☐ UNSATISFACTORY

#27

JUSTIFICATION FOR OVERALL RATING: Required for overall rating of "Marginal" or "Unsatisfactory."

Carlos has made a lot of progress since his first six month review. He has become knowledgeable about the system and is able to initiate appropriate analyses and tasks on his own. He has developed an excellent rapport with facility personnel that has certainly had a positive impact in helping our department achieve success during the system implementation phase. As we expand the system's capabilities to the ambulatory care setting, I am sure he will continue to be an asset to the department.

I have reviewed this evaluation and discussed the contents with my supervisor/manager. My signature means that I have been advised of my performance and does not necessarily imply that I agree with the appraisal or the ratings. I understand that I may submit a written rebuttal to my supervisor/manager within the next ten (10) calendar days. My rebuttal will be attached to and retained with this evaluation.

Employee Signature:

Carlos M. Viqueira

Date

7/12/90

Supervisor/Manager Signature:

Kevin P. Gough

Date

7/12/90

Reviewer Signature:

Kathy D. Dineen

Date

7/19/90

REBUTTAL: If a rebuttal (HHC 95a) is submitted, the employee shall sign below.

I certify that my rebuttal has been submitted under the guidelines.

Employee Signature:

Date Submitted

Exhibit #28

From: Irene Torres
To: Viguera, Carlos
Date: 8/7/2006 1:33:56 PM
Subject: Re: Performance Evaluation

Carlos:

Terry is not involved with this evaluation. I would suggest you write your rebuttal and hopefully that will assist your evaluation for this period. I would recommend that you please work on those areas noted for improvement and that for the next evaluation your rating will improve. Carlos I look forward to working with you on this project for readmits and I truly feel you will be able to do a great job!

Irene Torres, LCSW "R"
Sr. Associate Executive Director
Division of Case Management
Telephone #(212) 562-6881
Fax #(212-) 562-6785
Torrest@Bellevue.nychhc.org

Exhibit # 29

Carlos M. Viguera
1020 Grand Concourse, Apt. 4R
Bronx, NY, 10451
Tel. 917-327-0541
212-562-2253

Metroplus Health Plan, Inc.
Human Resources Department
Employment Manager
160 Water Street, 4th Floor
New York, NY 10038

Dear Sir or Madam:

I would like to apply for the Director of Operations Planning and Services position advertised in the New York Times on Sunday, November 12, 2006.

I have 25 years financial, operations analyses and management experience in the private and public sectors.

Specially relevant is my experience performing operations, productivity, work measurement, financial studies, developing and setting productivity standards in the Financial Planning & Control Department of a major NYC Bank.

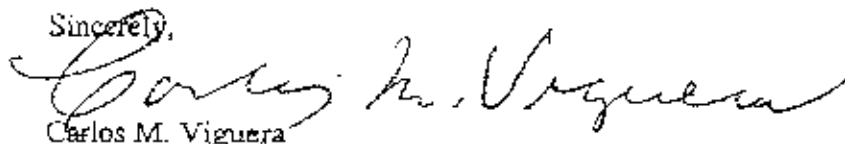
I also have experience assisting in the management of Health Centers operations and performing operations and financial analyses in the outpatient and inpatient sectors to include the implementation of the outpatient managed care operations, and the development of the former NYC-DOH Communicare clinics and Metroplus managed care contract; performing the entire range of financial functions; implementation of the cost accounting systems in the 11 HHC acute facilities and performing case mix and DRG analyses.

My computer and project management skills will be an Asset.

Attached is copy of my resume for your review.

I thank you for your consideration.

Sincerely,



Carlos M. Viguera

Exhibit #30

May 17, 2006

Carlos M. Viguera
1020 Grand Concourse Apt. 4R
Bronx, NY, 10451
(B) 212-562-2253
(Cell) 917-327-0541 (H) 718-293-8976

Bellevue Hospital Center
First Ave & 27th Street
New York, NY, 10016

Dear Sir or Madame:

I would like to apply for the Senior Management Consulting position # PSY-5809 advertised in the Job posting # 134/06 for May to May 18, 2006.

Especially relevant is my 25 years Financial and Management experience in the private sector and public sector.

Attached is a copy of my resume for your reviewed.

Thank you for your consideration.

Sincerely,


Carlos M. Viguera

Exhibit #31

January 17, 2007

Carlos M. Viguera
1020 Grand Concourse, Apt. 4R
Bronx, NY, 10451
Tel 917-327-0541
212-562-2253

Bellevue Hospital Center
Human Resources Department
Ms. Sara Rodriguez, Assistant Director
462 First Avenue, Room 129
New York, NY 10016

Dear Ms. Rodriguez:

I would like to apply for the Sr. Health Care Program Planner Analyst Position,
Ambulatory Care # 3199 position advertised in the Job Posting, January 17, 2007.

I have 25 years Financial, Ambulatory Care Operations and Administration experience in
the private and public sectors.

Specially relevant is my experience assisting in the development, implementation, and
management of the former NYC-DOH Communicable Health Centers, including the
development of PS, OTPS, Revenue budgets and management of the entire financial
functions.

My computer and project management skills will be useful in this position.

Attached is copy of my resume for your review.

I thank you for your consideration.

Sincerely,

Carlos M. Viguera

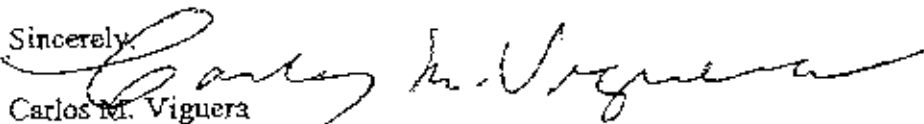


EXHIBIT “G”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CARLOS M. VIGUERA,

Plaintiff,

-against-

BELLEVUE HOSPITAL CENTER,

Defendant.
----- X

ANSWER

07 Civ. 7227 (AKH)(AJP)

Defendant, Bellevue Hospital Center ("Bellevue"), by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, for its answer to the Complaint, respectfully alleges as follows:

1. Denies the allegations set forth in paragraph "1" of the Complaint, except admits that plaintiff purports to proceed as set forth therein.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "2" of the Complaint.
3. Denies the allegations set forth in paragraph "3" of the Complaint, except admits that Bellevue Hospital Center is located at First Avenue and 27th Street, New York, New York 10016.
4. Denies the allegations set forth in paragraph "4" of the Complaint, except admits that plaintiff purports to proceed as set forth in this paragraph.
5. Denies the allegations set forth in paragraph "5" of the Complaint.
6. Denies the allegations set forth in paragraph "6" of the Complaint except denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning what plaintiff believes.

7. Denies the allegations set forth in paragraph "6" of the Complaint except admits that plaintiff identifies himself as a "Dominican/Hispanic," male, age 57 years of age.

8. Denies the allegations set forth in paragraph "7" of the Complaint, except admits that plaintiff is employed by the New York City Health and Hospitals Corporation ("HHC"), that he works at Bellevue Hospital Center, the he served in the line of titles Senior Health Care Program Planner/Analyst ("HCPPA"), and respectfully refer the Court to the documents annexed to the Complaint for a complete and accurate statement of their contents.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations the allegations set forth in paragraph "9" of the Complaint except admits that a charge of discrimination was filed and affirmatively state that the New York State Division of Human Rights found no probable cause to the charge of discrimination and respectfully refer the Court to a copy of the New York State Division of Human Rights decision which is annexed hereto as Exhibit "A."

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "10" of the Complaint, and respectfully refer the Court to the documents annexed to the Complaint for a complete and accurate statement of their contents and affirmatively state that Plaintiff also filed a charge of discrimination in 2004, that the Equal Employment Opportunity Commission adopted the New York State Division of Human Rights' finding of no probable cause to the charge of discrimination and respectfully refer the Court to a copy of the Equal Employment Opportunity Commission's decision which is annexed hereto as Exhibit "B."

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "11" of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "12" of the Complaint, and respectfully refer the Court to the documents annexed to the Complaint for a complete and accurate statement of their contents.

FOR A FIRST DEFENSE:

13. The Complaint fails to state a claim against upon which relief can be granted.

FOR A SECOND DEFENSE:

14. This Court lacks jurisdiction, in whole or in part, over the Complaint.

FOR A THIRD DEFENSE:

15. The Complaint is barred, in whole or in part, by the applicable statute of limitations.

FOR A FOURTH DEFENSE:

16. The Complaint is barred, in whole or in part, by the failure to perform all conditions precedent to suit.

FOR AN FIFTH DEFENSE:

17. Bellevue Hospital Center is not a suable entity.

FOR A SIXTH DEFENSE

18. Upon information and belief, plaintiff failed, in whole or in part, to mitigate damages.

FOR A SEVENTH DEFENSE

19. Defendants exercised reasonable care to prevent and promptly eliminate any harassing behavior.

20. Plaintiff unreasonably failed to take advantage of preventative or corrective opportunities provided by the employer to its employees or to otherwise avoid harm.

FOR AN EIGHTH DEFENSE

21. Defendant is not liable under cases such as Faragher v. Boca Raton, 524 U.S. 775 (1998) and Burlington Industries v. Ellerth, 524 U.S. 742, 754 (1998).

FOR A NINTH DEFENSE:

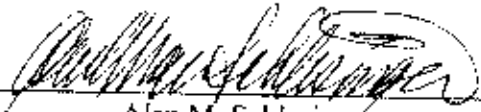
22. The Complaint is barred in whole or in part, by the doctrines of issue preclusion, claim preclusion, judicial estoppel or any combination of the doctrines.

WHEREFORE, defendant requests judgment dismissing the Complaint and denying all relief requested therein, that judgment be entered for defendant, and that defendant be granted costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
October 22, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant
100 Church Street, Room 2-316
New York, New York 10007-2601
(212) 788-1202

By: _____


Alan M. Schlesinger
Assistant Corporation Counsel

To: **CARLOS M. VIGUERA**
Plaintiff *Pro-Se*
1020 Grand Concourse, Apt. 4R
Bronx, NY 10451

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

CARLOS M. VIGUERA

Complainant

v.

N.Y.C. HEALTH AND HOSPITALS
CORPORATION, BELLEVUE HOSPITAL CENTER
AND MARIA DEL PILAL RUIZ (COORDINATING
MANAGER) AND EDIE COLEMAN (DIRECTOR)
AS AIDER AND ABETTERS

Respondent

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
7943982

Federal Charge No. 16GA409174

On 1/30/2004, Carlos M. Viguera filed a verified complaint with the State Division of Human Rights charging the above-named respondent with an unlawful discriminatory practice relating to employment because of sex, opposed discrimination/retaliation in violation of the Human Rights Law of the State of New York.

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division of Human Rights has determined that there is ~~NO~~ **PROBABLE CAUSE** to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The Complainant, a male Program Planning Analyst since May 1989, alleges that he was sexually harassed by one female manager during his employment. Complainant alleges that since January 2003, Ms. Maria Del Pilar Ruiz would ask him to go to her home to eat salmon, she asked him to wait for him after work to socialize, would stand next to him and move her body in a provocative manner. On January 2004, he was in the restroom undressed taking care of his personal needs when Ms. Ruiz opened the door of the restroom and entered inside to call him for performance evaluation session with Director Coleman. He complained to Ms. Coleman about Ruiz's sexual behaviors to no avail. Complainant claims after he complained to Ms. Coleman about the sexual harassment, Ms. Ruiz would question the quality of his work, when previously she had no problem. Ms. Ruiz also physically assaulted Complainant by punching his back at work.

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera v. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

Respondent denies Complainant claims of sexual harassment and retaliation and avers that its treatment of the Complainant is due to lawful business related issues.

The evidence gathered during the course of the investigation of the instant complaint is not sufficient to support the complainant's allegations that he was sexually harassed and retaliated against for complaining.

The complainant mentions various incidents that he claims are evidence of this alleged sexual harassment by Ms. Ruiz. Even assuming arguendo that the various alleged incidents mentioned above did occur as indicated by the complainant, they do not constitute severe and pervasive behavior and therefore do not rise to the level required by the statute.

The investigation revealed no information to support that other allegations of sexual harassment other than the incident when the alleged harasser went into the bathroom to find complainant. The evidence shows that the bathroom in question is a unisex bathroom used by all employees in the section. The evidence gathered suggests that at the time of the incident, the alleged harasser was looking for the complainant to remind him of a meeting where his performance was being reviewed by Ms. Coleman and Ruiz. The complainant's view that this was done to sexually harass him is not supported by the evidence. Complainant also alleges that on one occasion, Ms. Ruiz entered his office and "moved her body in a provocative manner" as further evidence of this alleged sexual harassment. This occurred within the confines of the complainant's office and there are no witnesses to this alleged conduct. The complainant continues by alleging that Ms. Ruiz invited him to her house to "eat salmon" as further evidence of this sexual harassment. Ms. Ruiz explained that on one occasion when she was having lunch with the complainant, he ordered salmon and she then told him that she did not eat salmon unless she cooked it herself and that one day she would cook it at her home and invite the complainant to try it.

The record shows that prior to the complainant filing the instant complaint alleging sexual harassment he was already having performance problems. The record also shows that prior to the instant complaint and after the acts of sexual harassment are alleged to have occurred, the complainant filed a

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
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discrimination complaint charging the same individuals with discriminating against him because of his age, sex, national origin, race and retaliation for filing an internal complaint. In his initial complaint, the complainant did not mention sexual harassment. A reasonable person may be obligated to conclude that it is highly improbable that someone asserting all these named bases would fail to include sexual harassment. Complainant's explanation that he was afraid that no one would believe him because he is a man; the record support that the complainant is very vocal when defending what he believes are wrongs done to him.

The complainant also charges that Ms. Ruiz "punched" him either in his ribs or his back. Again, this occurred in his office where there were no witnesses to the alleged act. The record shows that after this alleged incident, the complainant summoned the police who declined to pursue the charges. The complainant then filed a complaint against the police officer with the Civilian Review Board.

The record also shows that the complainant was previously suspended for performance issues and this suspension was upheld by the trier of facts in a Step II grievance. During the hearing there was testimony to the effect that others had to complete some of the complainant's work. Witness Yesenia Torres admitted that she was given some of complainant's work to finish when the complainant could not. This witness also stated that the complainant had confided to her that he thought that Ms. Ruiz "like him more than as a friend." Although the complainant appears to allege that he did not, the evidence adduced support that prior to Ms Ruiz being promoted, they would socialize by going out to lunch together. The witness also stated that the complainant was not an accountant, but an auditor and when he was transfer too the unit he did not have accounting experience.

The respondent has advanced non-discriminatory, business related reasons for the actions taken against the complainant. Such reason is not found to be a pretext for the respondent to discriminate against the complainant. The Complainant continues to work for the respondent.

The complaint is therefore ordered dismissed and the file is closed.

Determination: Dismissal No Probable Cause
SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilal Ruiz (Coordinating Manager) And Edie
Coleman (Director) As Aider And Abettors

PLEASE TAKE NOTICE that any party to this proceeding may
appeal this Determination to the New York State Supreme Court in
the County wherein the alleged unlawful discriminatory practice
took place by filing directly with such court a Notice of
Petition and Petition within sixty (60) days after service of
this Determination. A copy of this Notice and Petition must
also be served on all parties including General Counsel, State
Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx,
New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION
WITH THE STATE DIVISION OF HUMAN RIGHTS.

PLEASE TAKE FURTHER NOTICE that a complainant who seeks
state judicial review and who receives an adverse decision
therein, may lose his or her right to proceed subsequently in
federal court by virtue of Kremer v. Chemical Construction Co.,
456 U.S. 461 (1982).

Your charge was also filed under Title VII of the Civil
Rights Act of 1964. Enforcement of the aforementioned law(s) is
the responsibility of the U.S. Equal Employment Opportunity
Commission (EEOC). You have the right to request a review by
EEOC of this action. To secure review, you must request it in
writing, within 15 days of your receipt of this letter, by
writing to EEOC, New York District Office, 33 Whitehall Street,
5th Floor, New York, New York 10004-2112. Otherwise, EEOC will
generally adopt our action in your case.

Dated: 3/3/06
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:

Joyce Yearwood-Drury
Director O.S.H.I.

STATE OF NEW YORK: EXECUTIVE DEPARTMENT
STATE DIVISION OF HUMAN RIGHTS

EXEC. LAW ART. 15
SDHR NO:
9S-E-OS-04-7943982-E

(State Division of Human Rights on the Complaint of)

Carlos M. Viguera

COMPLAINANT

- against -

N.Y.C. Health and Hospitals
Corporation, Bellevue Hospital Center
and Maria del Pilar Ruiz
(Coordinating Manager) and Edie
Coleman (Director) as Aider and
Abettors

RESPONDENT

TITLE VII: Federal Charge No: 16GA409174

I, Carlos M. Viguera, residing at 1020 Grand Concourse, Bronx, NY 10460, Tel. No. (718) 293-8976, (718) - charge the above-named respondent whose address is First Ave & 27 th St New York, NY 10016 Tel. No. (212) 562-6227 with an unlawful discriminatory practice relating to Employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of Opposing Discrimination and Sex.

Date most recent or continuing discrimination took place 01/29/04.

The particulars are:

1. I am male, I was sexually harassed and I was discriminated because I Opposed Discrimination.
2. I worke for the Respondent Sr. Health Care Program Planning Analyst from May 1989 to Present. My time and attendance as well as my work performance were satisfactory.
3. On or about January 2003 and thereafter, Respondent's Coordinator Manager Maria del Pilar Ruiz began to sexually harass me. The sexual harassment includes but was not limited to Respondent's Coordinator Ruiz would ask me to go to her home to eat salmon, she ask me to wait for her after works to socialize. She would stand next to me and move her body in a provocative manner. I tried to ignore her for the longest just because she was my boss. *Carlos Viguera*
4. On January 15, 2004, I was in the restroom undressed, doing my personal need, and Ms Ruiz, opened the door of the restroom and entered inside to call me for performance evaluation session with

Complaint: Title VII (INT.2) (1 of 2)

/rga

01/30/04

SDHR NO: 98-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

Edie Coleman, Director of Grants Reporting Unit. I complained to Ms Coleman about Ms Ruiz sexual behaviors to no avail. I do not know how Ms Ruiz managed to open the door from the outside. However, the door could be easily open from the outside with a coin.

5. Since I complained to Ms Coleman about Ms Ruiz sexual behaviors, Ms Ruiz began to question the quality of my daily work production. I never have problems with my work performance in the past. I believe that the sole reason why Mr Ruiz is attacking my work performance is because I objected to her sexual advances.

6. Based on the foregoing, I charge the above named respondent with an unlawful discriminatory practice related to employment by denying me equal terms, conditions and privileges of employment because I Opposed discrimination and Sex in violation of the New York Human Rights Law, Section 296.

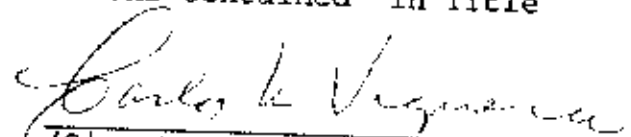
Complaint: Title VII (INT.2) (Supplemental)
/rga
01/30/04

SDHR NO: 9S-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

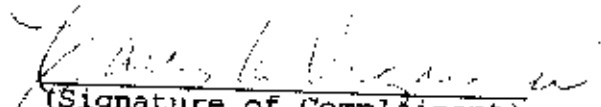
" I have not commenced any other civil or criminal action, nor do I have an action pending before any administrative agency under any other law of this state based upon this same unlawful discriminatory practice."

I also charge the above-named respondent(s) with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment) and hereby authorize SDHR to accept this verified complaint on behalf of EEOC subject to the statutory limitations contained in Title VII.

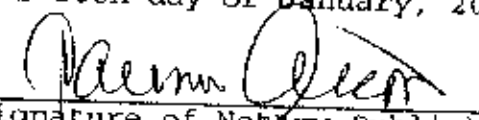

(Signature of Complainant)

STATE OF NEW YORK)
COUNTY OF Kings) S:

Carlos M. Viguera, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him/her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.


(Signature of Complainant)

Subscribed and sworn to before me
this 30th day of January, 2004


(Signature of Notary Public)

2007

DISMISSAL AND NOTICE OF RIGHTS

To: **Carlos M. Viguera**
1020 Grand Concourse
Bronx, NY 10460

From: **New York District Office - 520**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

160-2004-09174

Holly M. Woodyard,
Investigator

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Spencer H. Lewis, Jr.
Director

5/23/06

(Date Mailed)

Enclosures(s)

cc: **N.Y.C. HEALTH AND HOSPITALS CORP**
125 Worth St
Attn: Shirley Facey
New York, NY 10016

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

CARLOS M. VIGUERA

Complainant

v.

N.Y.C. HEALTH AND HOSPITALS
CORPORATION, BELLEVUE HOSPITAL CENTER
AND MARIA DEL PILAL RUIZ (COORDINATING
MANAGER) AND EDIE COLEMAN (DIRECTOR)
AS AIDER AND ABETTERS

Respondent

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
7943982

Federal Charge No. 16GA409174

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After investigation, and following opportunity for review of related information and evidence by the named parties, the Division of Human Rights has determined that there is ~~NO~~ ~~PROBABLE CAUSE~~ to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The Complainant, a male Program Planning Analyst since May 1989, alleges that he was sexually harassed by one female manager during his employment. Complainant alleges that since January 2003, Ms. Maria Del Pilar Ruiz would ask him to go to her home to eat salmon, she asked him to wait for him after work to socialize, would stand next to him and move her body in a provocative manner. On January 2004, he was in the restroom undressed taking care of his personal needs when Ms. Ruiz opened the door of the restroom and entered inside to call him for performance evaluation session with Director Coleman. He complained to Ms. Coleman about Ruiz's sexual behaviors to no avail. Complainant claims after he complained to Ms. Coleman about the sexual harassment, Ms. Ruiz would question the quality of his work, when previously she had no problem. Ms. Ruiz also physically assaulted Complainant by punching his back at work.

Determination: Dismissal No Probable Cause

SDHR Case No. 7943982

Carlos M. Viguera v. N.Y.C. Health And Hospitals Corporation, Bellevue Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie Coleman (Director) As Aider And Abettors

Respondent denies Complainant claims of sexual harassment and retaliation and avers that its treatment of the Complainant is due to lawful business related issues.

The evidence gathered during the course of the investigation of the instant complaint is not sufficient to support the complainant's allegations that he was sexually harassed and retaliated against for complaining.

The complainant mentions various incidents that he claims are evidence of this alleged sexual harassment by Ms. Ruiz. Even assuming arguendo that the various alleged incidents mentioned above did occur as indicated by the complainant, they do not constitute severe and pervasive behavior and therefore do not rise to the level required by the statute.

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SDHR Case No. 7943982

Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
Hospital Center And Maria Del Pilar Ruiz (Coordinating Manager) And Edie
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Carlos M. Viguera V. N.Y.C. Health And Hospitals Corporation, Bellevue
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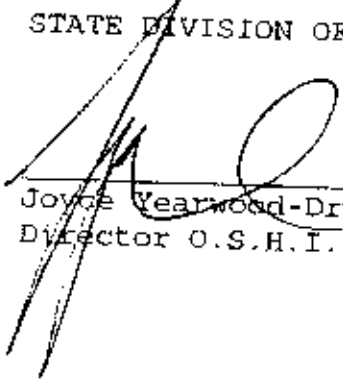
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Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: 3/31/06
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:


Joyce Yearwood-Drury
Director O.S.H.I.

STATE OF NEW YORK: EXECUTIVE DEPARTMENT
STATE DIVISION OF HUMAN RIGHTS

EXEC. LAW ART. 15
SDHR NO:
98-E-OS-04-7943982-E

(State Division of Human Rights on the Complaint of)	
Carlos M. Viguera	COMPLAINANT
- against -	
N.Y.C. Health and Hospitals Corporation, Bellevue Hospital Center and Maria del Pilar Ruiz (Coordinating Manager) and Edie Coleman (Director) as Aider and Abettors	RESPONDENT

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Complaint: Title VII (INT.2) (1 of 2)
/rga
01/30/04

SDHR NO: 9S-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

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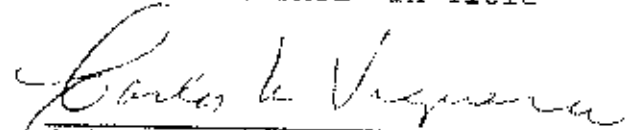
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SDHR NO: 9S-E-OS-04-7943982-E

FEDERAL CHARGE NO: 16GA409174

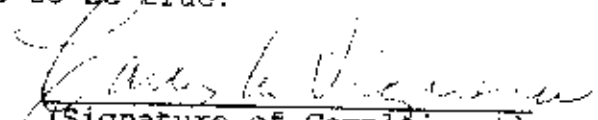
" I have not commenced any other civil or criminal action, nor do I have an action pending before any administrative agency under any other law of this state based upon this same unlawful discriminatory practice."

I also charge the above-named respondent(s) with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment) and hereby authorize SDHR to accept this verified complaint on behalf of EEOC subject to the statutory limitations contained in Title VII.

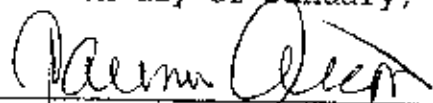

(Signature of Complainant)

STATE OF NEW YORK) \$:
COUNTY OF Kings)

Carlos M. Viguera, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him/her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.


(Signature of Complainant)

Subscribed and sworn to before me
this 30th day of January, 2004


(Signature of Notary Public)

2007

Complaint: Title VII (INT.2) (2 of 2)
/rga
01/30/04

DECLARATION OF SERVICE

I, **KAMI Z. BARKER**, declare pursuant to 28 U.S.C. § 1746, and under penalty of perjury, that today, I served the annexed Answer & Exhibits upon:

CARLOS M. VIGUERA
Plaintiff *Pro-Se*
1020 Grand Concourse, Apt. 4R
Bronx, NY 10451

said address(es) being designated by those attorneys for service, by depositing a copy of the same, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York.

Dated: New York, New York
October 22, 2007



KAMI Z. BARKER

07 Civ. 7227(AKH)(AJP)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
CARLOS M. VIGUERA,	Plaintiff,
-against-	
BELLEVUE HOSPITAL CENTER,	Defendant.
ANSWER	
MICHAEL A. CARDOZO <i>Corporation Counsel of the City of New York</i> Attorney for Defendant 100 Church Street, Room 2-316 New York, N.Y. 10007-2601	
Of Counsel:	Alan M. Schlesinger
	Kami Barker (Awaiting Admission)
Tel:	(212) 788-8688
	Matter No.: 2007-027449
<i>Due and timely service is hereby admitted.</i>	
Dated:	New York, N.Y., 2007
Signed:
Attorney for:

EXHIBIT “H”

ROOSEVELT SEYMOUR
Attorney for Plaintiff
175 Remsen Street, Suite 602
Brooklyn, New York 11201
(718) 802-0055

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CARLOS VIGUERA,

Plaintiff,

07 Civ. 7227 (AKH) (AJP)

-against-

**PLAINTIFF'S INITIAL
DISCLOSURE PURSUANT
TO RULE 26(A)(1) OF THE
FEDERAL RULES OF
CIVIL PROCEDURE**

BELLEVUE HOSPITAL,

Defendants.
-----X

Plaintiff Carlos Viguera, by his attorney ROOSEVELT SEYMOUR, hereby provides defendant with initial disclosure pursuant to Federal Rules of Civil Procedure 26(a) (1) as follows:

(A) The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subject of information.

Response. a) Harry Blum, employee of New York City Health and Hospital Corporation. Current resent address unknown. Telephone number, 646) 456-4918. Mr. Blum was present when Ana Blanco made allusions to the size of Mr. Viguera's penis.

b) Ralph Hernandez, an interpreter employed by HHC witnessed plaintiff performing menial duties as a Patient Navigator. Plaintiff is currently unaware of the address and telephone number of Mr. Hernandez.

(B) Copy of or a description by category and location of all documents, data compilations and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use support its claims or defenses, unless solely for impeachment.

Response. See documents enclosed herewith. Plaintiff is also in possession of cell phone containing text messages from Ana Blanco, which is available for inspection.

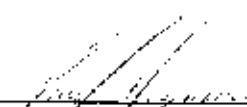
C) Computation of any category of damages claimed by the disclosing parties, making available for inspection and copying as under Rule 34 the document or other evidentiary material, not privileged or protected from disclosure, on which computation is based, including materials bearing on the nature and extent of injuries.

Response. Plaintiff has not made specific calculations of damages at this time but will provide the information when all medical documentation become available.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment.

Response. This provision of Rule 26(a)(1) does not apply to the plaintiff.

Dated: New York, New York
January 31, 2008



ROOSEVELT SEYMOUR
Attorney for Plaintiff
175 Remsen Street, Suite 602
Brooklyn, New York 11201
(718) 802-0055

To: Kami Barker, Esq.
The New York City Law Department
100 Church Street
New York, New York 10007

From: Ana Blanco
To: Carlos Viguera; Elvis Marte; Heidi Delacruz; Jacqueline Ventura; Marielle Mehu;
Marta Herrera; Micheal Irizabal; Mirian Villar
Date: 7/11/2007 1:21:49 PM
Subject: Fwd: Hi

Ana Blanco
Bellevue Hospital Center
Phone 212-562-2404
Fax 212-562-5008
Email: Ana.Blanco@Bellevue.nychhc.org

>>> Aaron Bryant 7/11/2007 12:23 PM >>>
How are U today , Did you go walking at the track yesterday?

P 006

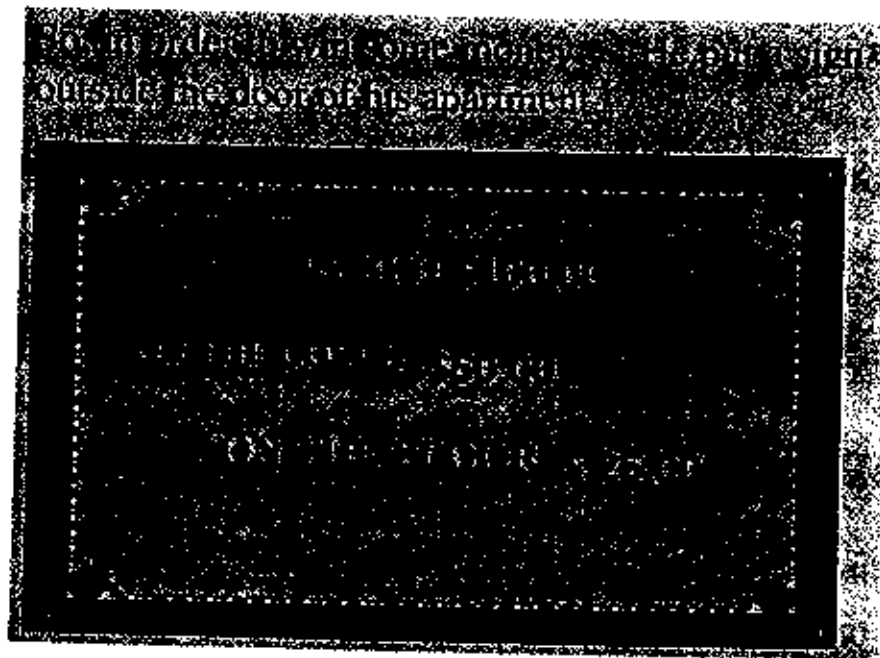
**The young man
opens the door and
the old lady hands
him the money. The
boy, touched, gives
her a kiss and after
counting the money
tells her:**

**It's 100\$, so you
wanna do it in bed?**





P 008



P 009

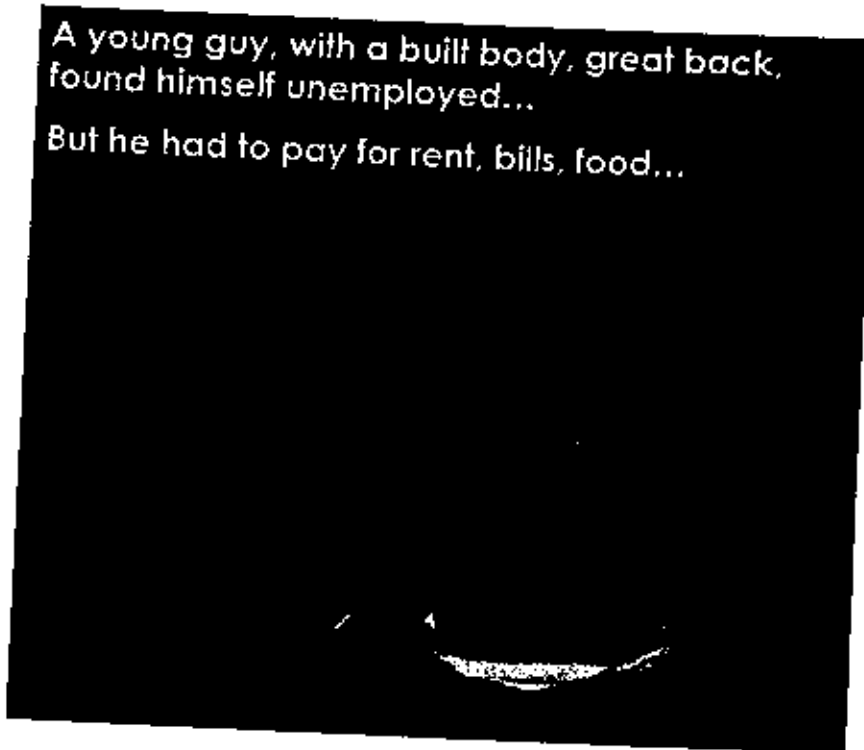
Not long after that, an old woman walks by his door...
She stops to read the sign, and then thoughtful goes
back home... There she decides to break her piggy
bank and take the few savings she had left...

And with the money in
her hand she heads for
the young man's
apartment

Knock knock...



A young guy, with a built body, great back,
found himself unemployed...
But he had to pay for rent, bills, food...



P 011

Ana Blanco
Coordinating Manager
Bellevue Hospital Center
Phone 212-562-2404
Fax 212-562-5008
Email: Ana.Blanco@Bellevue.nychhc.org

>>> Yeniber Blanco <dabklynmami1729@yahoo.com> 8/4/2007 10:38 PM >>>

Park yourself in front of a world of choices in alternative vehicles.
Visit the Yahoo! Auto Green Center.

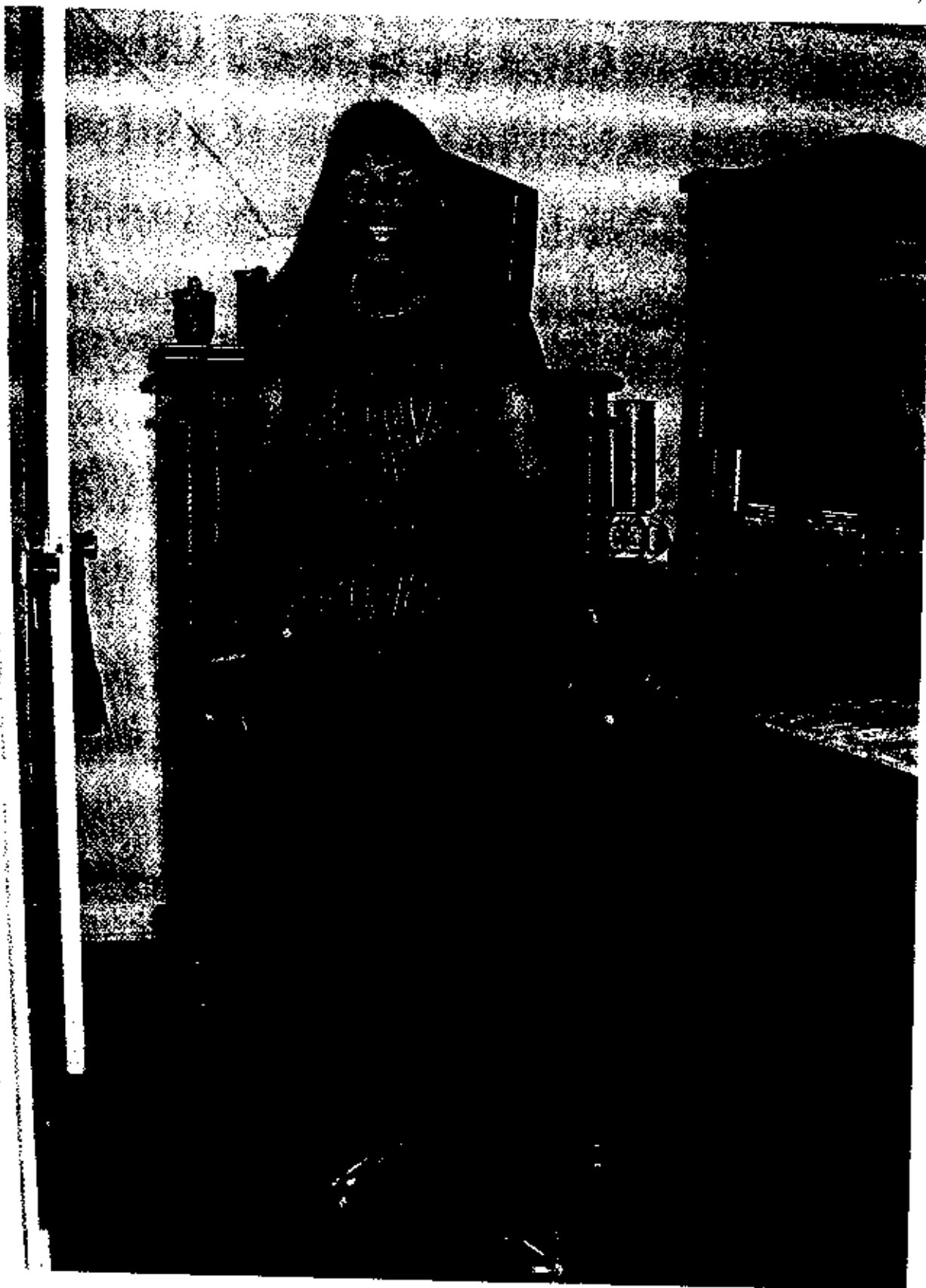
P 012

Ana Blanco
Coordinating Manager
Bellevue Hospital Center
Phone 212-562-2404
Fax 212-562-5008
Email: Ana.Blanco@Bellevue.nychhc.org

>>> Yeniber Blanco <dabklynmami1729@yahoo.com> 8/5/2007 1:33 PM >>>

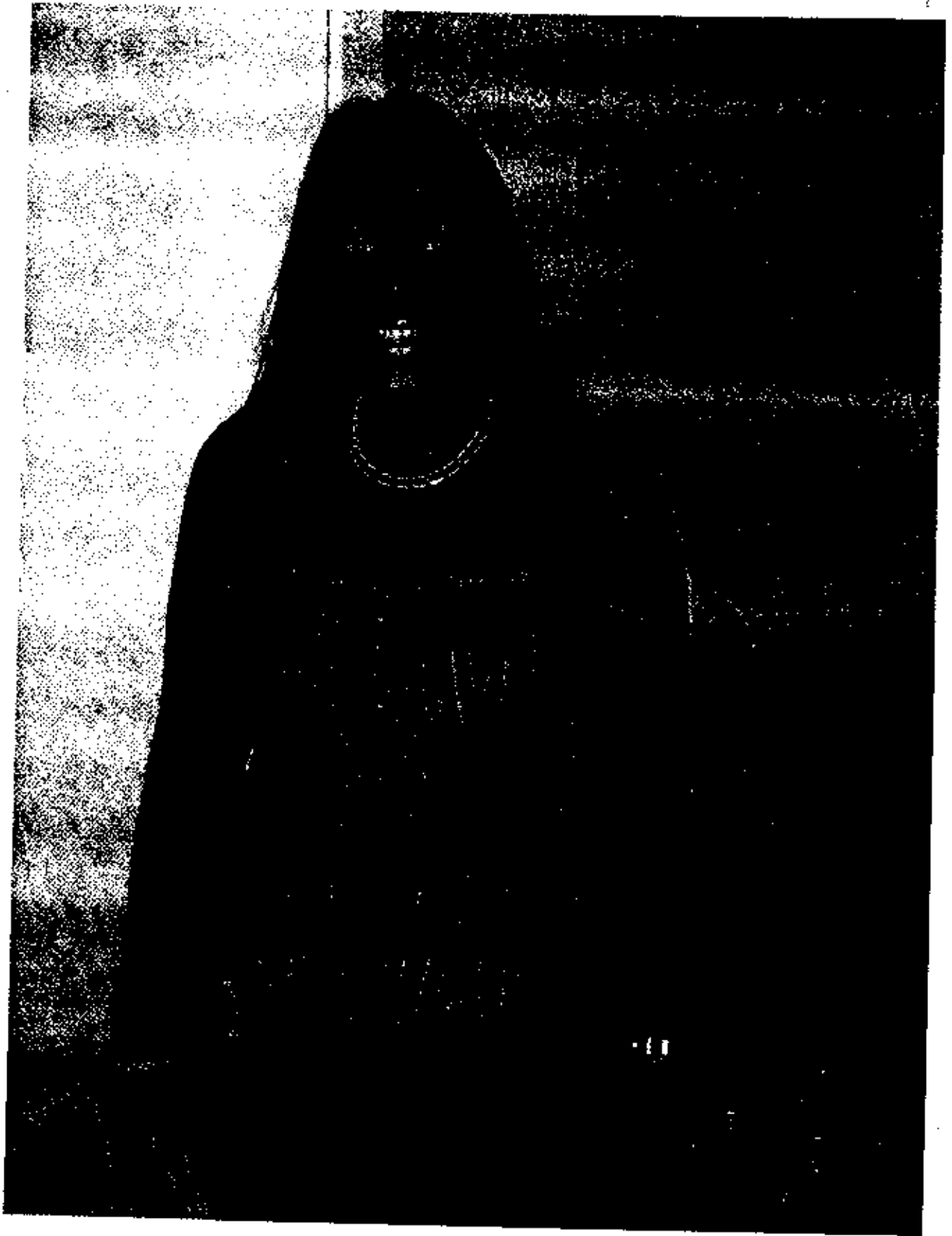
Fussy? Opinionated? Impossible to please? Perfect. Join Yahoo!'s user panel and lay it on us.

7/6/0



P 014

1/6/0



P 015

From: Ana Blanco
To: Carlos Viguera
Date: 8/27/2007 10:03:58 AM
Subject: Fwd: FW: Cuidado Con El SIDA- Imagenes Muy Fuertes;;

Ana Blanco
Coordinating Manager
Bellevue Hospital Center
Phone 212-562-2404
Fax 212-562-5008
Email: Ana.Blanco@Bellevue.nychhc.org

>>> "BELICA DEL CARMEN ROMANO ESPINAL" <laromantica55@hotmail.com> 8/25/2007 9:59 AM
>>>

From: "la beba28 preciosa" <iclove1128@hotmail.com>
To: albertoflash@aol.com, belicaromano@hotmail.com, boxinggirl27@hotmail.com,
chiqua79@hotmail.com, crespok08@hotmail.com, cyndom09@hotmail.com,
dominican_qtee@hotmail.com, ernestoandyou@hotmail.com, gvaldez74@hotmail.com,
jackelineestevez@hotmail.com, janiel_189@hotmail.com, jenniespinal@hotmail.com,
jessicadmorales@hotmail.com, jomilopez17@hotmail.com, katiusca@msn.com,
la_Rusasexy@hotmail.com, laromantica55@hotmail.com, leninlopeza@hotmail.com,
lucy1345@hotmail.com, maribella_lopez@hotmail.com, mayombe@hotmail.com,
nelsoncastro@hotmail.com, rafael29matos@yahoo.com, xptron@msn.com, Hupevice@yahoo.com,
sexybarbie9090@hotmail.com, spo172@hotmail.com, yaniel_fermin@hotmail.com,
vapor01@hotmail.com

Subject: FW: Cuidado Con El SIDA- Imagenes Muy Fuertes;;
Date: Thu, 23 Aug 2007 13:45:27 -0500

>
>
>

>>From: Sally Vittini <svittini@hotmail.com>
>>To: <iclove1128@hotmail.com>
>>Subject: FW: Cuidado Con El SIDA- Imagenes Muy Fuertes;;
>>Date: Wed, 22 Aug 2007 20:58:31 +0000

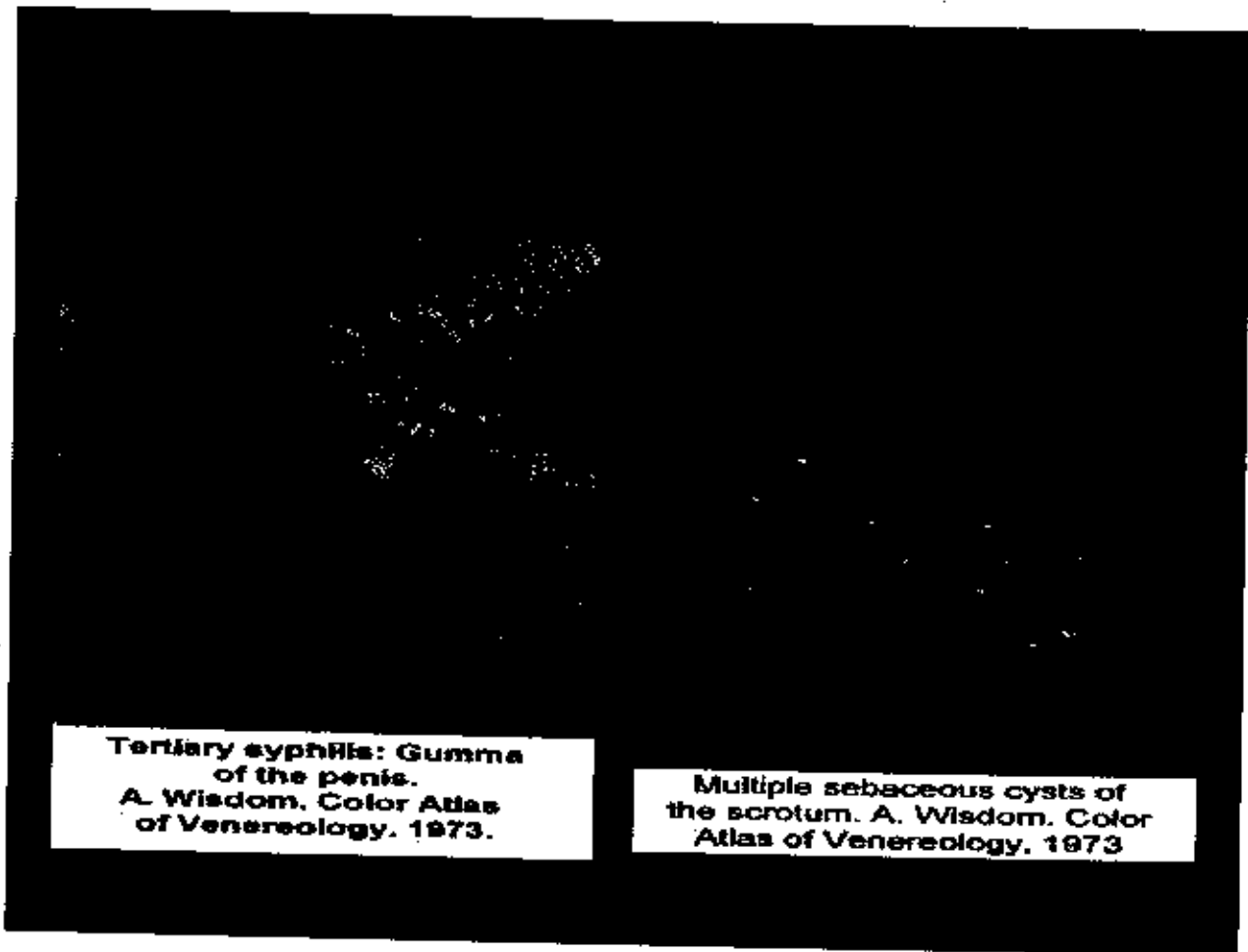
>>
>>
>>

>>From: jennydepalma@hotmail.comTo: arelisantigua@hotmail.com;
>>marlenedeespallat@hotmail.com; loana2000@hotmail.com;
>>kismely@hotmail.com; la3menda_pri@hotmail.com;
>>lata92387@hotmail.com; negryxo@hotmail.com; nery_09@hotmail.com;
>>mamitax@hotmail.com; laura_santana86@hotmail.com;
>>jovmasantana@aol.com; neely@hotmail.com; twinsgirl@hotmail.com;
>>svittini@hotmail.com; viyonick@hotmail.comSubject: FW: Cuidado Con
>>El SIDA- Imagenes Muy Fuertes;;Date: Mon, 6 Aug 2007 17:17:26 -0400
>> >From: "SORA GRULLEN" <sor37@hotmail.com>>To:
>>aisabelmoreta@hotmail.com, asle16@hotmail.com,
>>bembaloca@hotmail.com, >franchesca_catalino@hotmail.com,

P 016

COLOMBIA PASO COMO EL 1er
PAIS CON INFECCIONES DE TRANSMISION SEXUAL QUE SUPERA A
BRASIL...

- LA UNICA FORMA DE PREVENIRLAS ES EDUCANDO Y MOSTRANDO LO DOLOROSO QUE DEBE SER CAER EN ESTE ESTADO EN QUE SE EXTINGUE LA VIDA EN FORMA LENTA Y SIN NINGUNA ESPERANZA DE REACERLA NUEVAMMENTE.
- REFLEXIONEN SOBRE ESTAS INFECCIONES DE TRANSMISION SEXUAL.



- Si no puede tener una persona estable entonces NO PRACTIQUE MAS SEXO CON NADIE Y MASTURBESE QUE ES MAS SANO
- Tu Vida esta pendiente de tus decisiones.
- Tú tomas lo que quieres y eres libre de hacerlo.
- SI AUN NO ENTIENDES
- Entonces a la vuelta te estaré esperando porque yo soy tu fin sexual
- tu SIDA
- tu muerte
- tu
- FIN
- *Y no pidas misericordia al final*
- *Porque seré implacable.*

SI D A

- Si no entiende las cosas de vida aun con sus peligros y acechos entonces les muy bien para que entienda mejor.
 1. ¿Le gusta tener sexo SIN PROTECCION porque usted demanda que ASI se siente mejor?
 2. ¿Desde que comenzó su actividad sexual usted ha tenido sexo hasta la fecha con mas de 10 personas diferentes?
 3. ¿Le gusta las relaciones accidentales inspiradas por química y atracción fatal?
 4. ¿Le gusta dar el sexo oral sin preocuparse?
 5. Si usted contestara SI a cualquiera de estos - entonces tiene que ser probado para STD y el SIDA, pues es posible que si usted no se cuida pueda ser portador y no se de cuenta que ya esta infectado y no se le note o presente sintomatología alguna.

- Herpes. Los síntomas comienzan con el cosquilleo o la picadura alrededor de sus genitales. Las ampollas pueden formarse en el área y luego reventar abierto. Cuando esto pasa, usted podría sentir quema orinando, después da vuelta a costras. Durante El primer brote, usted podría haber aumentado glándulas, la fiebre y dolores de cuerpo. Pero algunas personas no tienen tales síntomas obvios. Los brotes pueden ocurrir para el resto de su vida, pero por lo general tienden a hacerse menos frecuentes y menos dolorosos con el tiempo.

Genital herpes in the male.

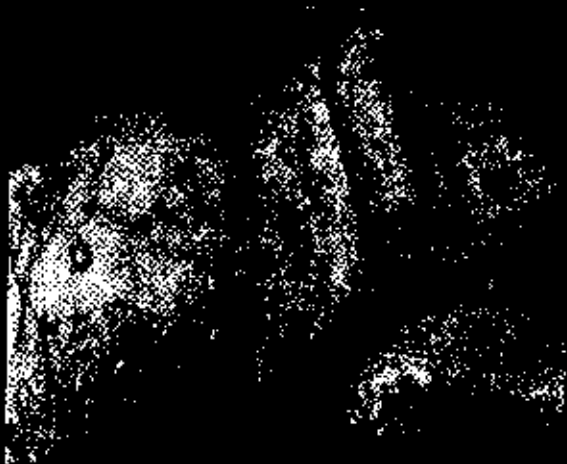


- Sífilis. Temprano los signos incluyen un chancro (rojo dolorido). Aparece donde le tocaron durante el sexo, incluyendo sus genitales, ano, lengua y garganta. Las glándulas cerca del chancro pueden hincharse. Unos meses más tarde, usted puede tener una fiebre, el dolor de garganta, y el dolor de cabeza, no tiene hambre o tiene en la unión dolor. Una erupción escamosa puede aparecer sobre las palmas de sus manos y de sus pies. Después de este pase de síntomas, puede no tenerlos por varios años. Cuando vuelven los síntomas, las infecciones pueden afectar el cerebro, médula espinal, piel y hueso.



Purulent urethral discharge in gonorrhea.


- son ambas bacterias. Los síntomas de gonorrea y Chlamydia son muy similares. Los hombres y mujeres a menudo se quejan de una descarga, la urinación frecuente, o la quema cuando ellos orinan. En la gonorrea la descarga es a menudo blanca, en chlamydia la descarga es por lo general clara. Muy a menudo la gente no puede tener ningunos síntomas! Tanto la gonorrea como chlamydia son extendidos por contacto que entra con la descarga. Si una mujer no es tratada para ninguna de estas enfermedades, esto podría conducir a una infección severa en ella, que podrían causar la infertilidad




- son causadas por un virus llamado el Virus de Papilloma Humano. Las verrugas pueden ser quitadas, pero la persona tendrá el virus para el resto su vida. Esto es muy común, las verrugas pueden reaparecer después de que han sido quitadas. Esta enfermedad es extendida entrando en el contacto con la verruga, pero a menudo las verrugas no son fácilmente visibles.



- Esta mujer no está embarazada Ella tiene la hepatitis la B y sufre del cáncer de hígado (La esperanza de la vida media después del diagnóstico de cáncer de hígado es 6 meses) la Hepatitis B. se transmite por contacto sexual . Los síntomas pueden incluir el Dolores musculares, fiebre, cansancio, pérdida de apetito, dolor de cabeza y vértigo, cuando la enfermedad empeora, usted puede tener la orina oscura, taburetes flojos, de color claro, Ojos amarillos y piel, y dolor en el área de hígado (solamente(justo) debajo de las costillas sobre el lado derecho). La Hepatitis B puede ser fatal si esto conduce al fracaso de hígado produce Cáncer de hígado.



Secondary syphilis: Perianal condylomata lata.
A. Wisdom. Color Atlas of Venereology. 1973.



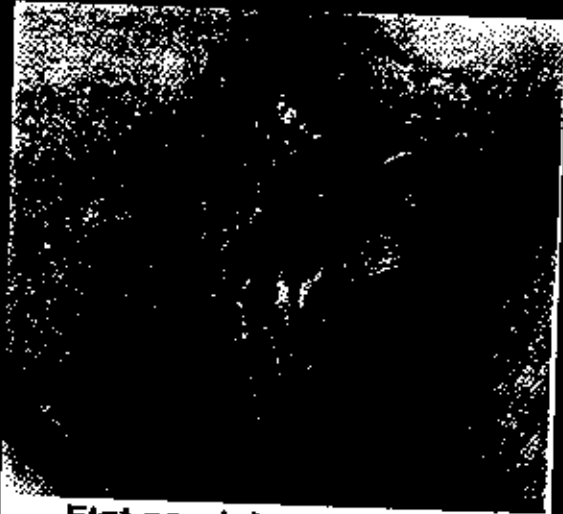
Lymphogranuloma venereum.
Eathiomene, showing edema
and chronic ulcerations.



Secondary syphilis: Oral lesions.
A. Wisdom, Color Atlas of Venereology. 1973.



Secondary syphilis: Gross condylomata lata of the vulva and perianal region.
A. Wisdom. Color Atlas of Venereology. 1973.



Flat condylomas on the vulva of a woman with secondary syphilis.





Print Photo

Close



P 030